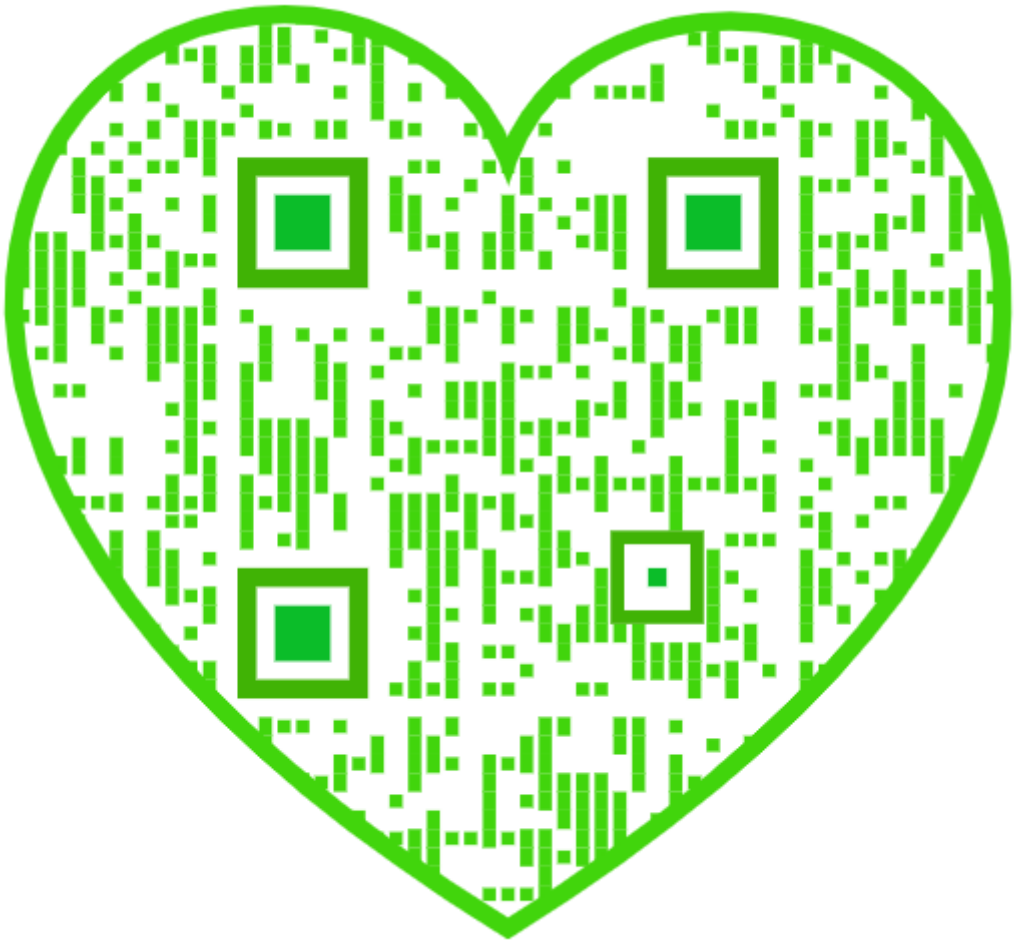

Seal of the United States

Designed by the Committee appointed by the Continental Congress, July 4, 1776, consisting of Benjamin Franklin, John Adams and Thomas Jefferson. The seal is colored as required by Act of Congress of June 20, 1782.

THE

GOVERNMENT OF THE PEOPLE

OF THE

UNITED STATES.

BY

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BY THE SAME AUTHOR,

A COURSE IN CIVIL GOVERNMENT.

The "Course in Civil Government" is an abridgment of "The Government of the People of the United States."

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All that is sacred in life is inseparably bound up with government. Its nature is complex; it implies rights and duties; it involves human lives and activities; its organization is required of the whole people; its administration is committed to their representatives.

Popular government is of slow growth. Why it began, how it began, how it grew, and what it has become during the first century of the existence of the United States, constitute the story of politics which appeals with irresistible force to American citizens. Political knowledge is also slowly gained. It cannot be gathered from newspapers, nor from public speeches, nor from the talk of the street; only the formal treatise can set it forth in its unity and show the close sympathy between all human interests and the government under which they prosper.

The story of the Government of the people of the United States has its beginning far away across the sea, and the story of political rights in England has its sequel in the story of political rights in America. Nor have these rights been accidental acquisitions: they are the fruits of American experience, growing out of the instincts, the character and the attainments of the Anglo-Saxon race in this country.

The Nation is the chief theme; the political people as a unit are the government. From savage life to the life of the Nation is the transition in human history which constitutes civilization. Unlike some nations, the United States is almost without traditions. It may be said that our traditions may be found in the original documents. So close are we to the days of our origin, that it is possible for us to study our institutions at first hand. Each State in the Union presents some peculiar civil features, and the teacher of civil government may use with profit the constitution of the State, the charter of the city, the ordinance of the town, the laws of the Assembly, or the act of Congress as fundamental authorities in the study of government. The meaning of a state paper may be explained in a simple manner, and be understood in its essential nature even by quite young persons. There is a freshness also in thus taking studies of government from the source of the stream. The papers printed in Part IV. will suggest others that may be used as collateral reading for the class.

The Government is presented in its historical, in its legal, in its political and in its economic relations. The chapter on "The Four Groups of Rights" is a departure in works of this kind, but I am confident that the time has come when the methods of political study pursued in the leading schools of history and political science may be pursued in the other schools of the United States.

The Federal and the State Constitutions cannot be examined critically in a book of this kind. In all interpretations of constitutions I have followed the language of the Supreme Court. As no person could construct the actual Government under which we live by reading any of the

American constitutions, I have attempted to divide the subject all along between institutional and constitutional government. Movements in population, immigration, education, habits of thought among the people of various parts of the country, inventions, discoveries, religion and public morality have been considered as factors equally potent with formal constitutions and the enactments of legislative bodies in determining the character of our Government.

It is more desirable to understand the principles underlying civil life and their development and applications in society than to memorize discordant political facts. The peculiar claim of popular government to universal authority is its identification with the great principles of civilization. It claims to be founded upon the rights of man and the principles of human nature. Wherever the principles of popular government are illustrated in our governments, I have attempted to assert either directly or by implication the principle involved.

The land as a factor in government is presented somewhat fully. Our land system and our land acquisitions are shown by maps. A few engravings from celebrated paintings have been introduced to aid in impressing on the mind some of the greatest events in human history. The Charter of King John, the Declaration of Independence—of which a fac-simile is given—the Mayflower Compact, and the Emancipation Proclamation are events in the story of popular government. With one exception these events occurred on American soil. The illustrations and the events to which they refer intimate my desire to develop as plainly as possible the idea of sequence, progress, liberalization in thought and action, human enfranchisement

and civilization as the chief characteristics of the nations of modern times. The limits of the book prevent me from doing more than suggest the wealth of illustration of the amelioration of men and manners which may be traced in the supremacy of modern laws, in modern charities and in the attitude of the modern mind toward all problems of society and government.

Although the chapters are paragraphed and separately numbered for convenience in class use, they are written to read as if unbroken by special headings. The heavy type shows the thought of the paragraph, and, before studying a chapter, it may be read through aloud as an unbroken whole, omitting the titles to paragraphs. Numerous foot-notes and tables illustrate applications of principles referred to in the body of the book.

Nothing in government is meaningless; we live amidst an intense political life. As the face on the postage-stamp signifies an executive power delegated by the people, so upon examination will many common civil phenomena illustrate profound principles in popular government. The book is sent forth with the earnest hope that it may help those who read it to understand more perfectly the rights and the duties of American citizenship.

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PART I.

THE FOUNDATIONS OF GOVERNMENT.

Man is born a citizen.—ARISTOTLE.

The fundamental law of rights is, be a person, and respect others as persons.—MULFORD.

Society is marching with long strides toward democracy. . . . . Is it a good? Is it an evil? I know little enough; but it is, in my opinion, the inevitable future of humanity.—COUNT CAVOUR.

The village, or township, is the only association which is so perfectly natural that wherever a number of men are collected it seems to constitute itself. —DE TOCQUEVILLE.

To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend.—BRYCE.

CIVIL GOVERNMENT.

CHAPTER I.

THE FOUR STAGES OF SOCIETY.

1. CIVIL INSTITUTIONS.—The laws, customs and occupations of a people comprise their civil institutions. Human interests are not solitary. One interest is related to all others. If we were to journey over the earth, visiting its different peoples, we might at first think that the civil institutions of the many peoples we saw were too different for any kind of classification; by a closer examination we would discover four classes of human society—savages, herdsmen, husbandmen and manufacturers.

2. SAVAGES.—The peoples whose chief occupation is hunting comprise the savage tribes of the six continents. They have customs simple and rude, and laws few and cruel. The boundaries of the land over which they seek their supplies are in constant dispute between the tribes. Each tribe is a collection of kindred families, and is governed by a man famed both as hunter and as warrior. His will, so far as he can enforce it, is law. The symbol of his authority is a spear or a club.

3. Life and Language.—Hunting supplies savages with food and clothing. They suffer from many diseases which do not seriously endanger a civilized community. Their language is unwritten, usually abounds in guttural sounds, has few words, not usually more than three hundred, and these are not inflected so as to express shades of thought. Their language is composed of nouns and

verbs, with few if any other parts of speech. The nouns rudely name the plain objects of the senses; their words do not express exact qualities or quantities. Taken singly, the words have little if any meaning. The people have few and crude ideas.

4. Superstitions.—Savages are extremely superstitious and easily terrified by the phenomena of nature. They people the world with demons, and their customs are demoniac, and frequently degrading. They do not understand the causes and the nature of common things.

5. Character.—The habits, customs, superstitions and manner of life of savage tribes indicate their true character. Life among them is unsafe; morality too often unknown; physical strength, the sole basis of right; government, the uncertain and brutal exercise of physical power and the sullen and unwilling obedience of the jealous and the weak.

6. Herdsmen.—A larger group of peoples keep flocks and herds, and by means of these provide for themselves food and clothing. The area and boundaries of the land required by their cattle vary. Herdsmen follow the grass; it is the source of their wealth. They are wanderers and dwell in tents, but their laws and customs are less rude than those found among hunting tribes. They practice simple arts and make many articles required by their manner of life. They have a greater variety of food than savages, and many desires unknown to savage life. Butter and cheese are made by them in a simple way. The art of curing leather begins among them. They have their wealth for exchange, and thus obtain many articles which they cannot make for themselves.

7. Government among Them.—Their ruler is the oldest living father of a family, and the symbol of his authority is a shepherd's staff. The laws among them grow out of their occupations. Their laws have reference chiefly to two objects—the protection of life and of prop-

erty. Savages have no property that can be called wealth, nor can the savage accumulate wealth. He cannot keep his game; he makes nothing; at death his hunting equipment is usually buried with him. The herdsman has many cattle, and at his death some one must care for them. Naturally, the members of his own family succeed to his wealth, and his personal authority also descends to his personal representative or heir, who is usually his eldest son.

8. Laws of Property Begin.—Thus laws of the inheritance of property originate among herdsmen. This property is movable, or, as we now say, personal. Land becomes a thing of value, and land-laws originate in the use of the land for grazing. Water, in the form of brooks, wells and springs, becomes the subject of customary rights. As a well is dug by severe labor, he who digs a well has a right to it for his family and his flocks.

9. Language and Ideas.—Herdsmen have more words in their language and more ideas than have savages. Shepherds are often in one locality for a long time; they watch their flocks night and day; they observe the course of nature and discover its regularity. They were the first to study the motions of the heavenly bodies, and they fancied that they saw familiar forms among the stars. Lions and wolves were there chasing cattle and sheep, and to the constellations of the stars they gave names. Centuries have passed, but the names given to the stars by the shepherds still cling to them. Thus the science of astronomy began. The language of shepherds expresses their ideas. One of the oldest poems in the world, the book of Job, describes the customs, the laws and the character of a people who were shepherds in Mesopotamia, one of the early homes of our own civilization.

10. Life and the Recognition of Rights.—Herdsmen have many more interests than savages, because they have more ideas and objects of desire obtained by labor. Such

objects constitute wealth. Government among them recognizes and protects life and property and the comfort of man. The patriarch has more cares than the chieftain. It is a principle of government that *as the interests of men increase and as they secure wealth by their own labor, government becomes more complex*, or, as we are accustomed to say, has more departments; for a primary object of government is to secure to individuals and to nations their rights.

11. Importance of Rights.—A right is the most important possession a person can have. Human rights are the realities which government is instituted to protect. The word "right" has more meaning than any other word used in governmental affairs, and we shall constantly have occasion to investigate its signification. When we understand what rights exist in a country, we know exactly what is the government of the people of that country.

12. Effect of the Recognition of Rights.—The immediate effect of the recognition of rights is the exercise of government to protect them. A denial of a right is a wrong, and the suspension of a right, if not justifiable, is a crime.

13. Husbandmen.—The peoples who cultivate the soil outnumber all others. They live in fixed homes; they divide the land and mark its boundaries with care. To remove a landmark confuses many interests and endangers rights, and is a crime; for the tiller of the ground is obliged to feed and clothe himself and his family by his own labor on a definite piece of ground, and if the boundaries are disturbed unlawfully the living of the family is in danger.

14. Crimes.—Among the herdsmen the stealing of cattle is a crime, because the living of the family is thereby endangered. The tiller of the ground must be protected from similar injury, and his wealth is a definite area of ground. Land-laws thus become more definite among those who practice agriculture; many customs and laws

peculiar to an agricultural people would not arise among herdsmen. Each state of society has its legal system that is founded upon its own character. Different civil institutions, becoming different systems of government, thus spring up in the world.

15. Superior Knowledge required in Agriculture.—The farmer is obliged to understand the nature of crops, soils, culture and harvesting. He requires many tools for which the savage or the herdsman could have no use. He must understand the laws of nature so as to be able to make a living. His wants are more numerous than those of the savage or the herdsman. His ideas outnumber those of the other two classes. His language reflects his mind and contains many words. His interests are fourfold: those pertaining to his labor; those pertaining to the control of his fellows; those relating to his conduct toward men; and those relating to the God whom he worships.

16. Manufacturers.—A fourth group of peoples are engaged in making objects of desire, and thus they are closely related to the herdsmen and to the tillers of the soil. Labor creates rights and transforms raw material, such as the skins and the wool produced by the herdsmen and the agricultural products of the husbandmen, into articles adapted to many human uses. The making of objects requires a large amount of knowledge in the maker. He has many ideas, and his language contains many words, unknown to the savage or the herdsman. With increased knowledge comes the division of labor and the recognition of industrial rights. New industries are created, old industries are improved. Simple tools are displaced by complicated machinery that never wearies and that rapidly transforms raw material into finished articles. In every step of this process rights are concerned. The forms of wealth multiply, so that they can scarcely be counted. The manufacturer depends upon

the productions of farming and of herding for material used in his labor. His rights are therefore closely connected with the rights of other men. He must build machines, erect suitable buildings, provide material, employ craftsmen, manage industrial enterprises, understand industrial conditions, satisfy the desires of men for material wealth created by human labor, and exercise freely all his rights, in order that the desires of men may be satisfied.

17. Laws and Customs pertaining to Industry.—A manufacturing community develops habits or customs that are recognized by experience to be favorable or unfavorable to industry. Thus, government that protects the rights of manufacturers and all those associated with them in the making of objects must conform to these customs and enact suitable laws.

18. Civilized Peoples have a Variety of Interests.—In a civilized country the interests of the herdsman, of the tiller of the soil and of the manufacturer may be found in a single community and even in a single person. The farmer tills his ground and at the same time keeps cattle and sheep. Near by is the town in which the manufacturer maintains his plant—*i. e.* his factory and all its interests. A community has at the same time the interests of the three classes of peoples. Rights thus may imply the interests of the husbandman, of the herdsman and of the manufacturer. Every department of life is affected by the recognition or the suppression of these rights.

19. Effect Seen in Society.—As ideas increase among men, language increases, until there may be, as in our own tongue, more than one hundred thousand words. Every right creates a custom, and the custom may become a law. A custom is only a way of doing, and a law is a rule of action prescribed by a supreme power, declaring how, when, where and by whom a thing shall or shall not be done.

20. Commerce.—With the increase of the wealth of individuals and of nations, and with the recognition of rights among them, exists a commerce both in ideas and in things. Articles are produced, transported, exchanged and consumed. The star-clusters that seemed like sheep and oxen and lions to the shepherds become the lighthouses of the sky, and guide ships laden with precious cargoes from port to port, from continent to continent. Men become more closely associated; they supply each other's wants. Their interests become complex, and sometimes it is impossible to separate them. The herdsman, the farmer, the merchant, the railroad, the steamship, the miner, the manufacturer, the workingman,—all and each represent a mass of interests and a body of rights. To further these interests and to secure these rights governments are instituted among men; customs grow into laws, and laws and customs grow into that supreme law or chief custom of all—*Government.*

21. Importance of Government.—We see plainly, then, that the meaning of government is exceedingly large, because it concerns itself with every human interest. We see that customs and laws and language and government are closely connected with the occupations of the people. The occupations affect the government, and the government affects the occupations.

22. Different Forms of Government.—Different forms of government exist, because the ideas of men differ as to the best manner of managing their own interests. Peoples who have many wants and who are able to satisfy them by intelligent labor are civilized—*i. e.* they have become citizens. The word "citizen" is companion to the word "right," and like it has a profound meaning. Indeed, so important is the signification of this word that individuals and nations, in order to obtain the realization of the full rights of the citizen, have made costly sacrifices. The rights of the citizen are made precious to us by

the lofty sacrifices of human life in order that men and women and children may have their inborn rights freely, fully and at all times.

A THEOCRACY is a government in which the rulers are priests who claim to be under the immediate direction of God. The government of the ancient Jews was a theocracy.

A MONARCHY is a government in which the supreme power resides in a single person, usually called a king. If his power is limited by laws, the government is a limited monarchy; if all power proceeds from him, the government is an absolute monarchy. Modern kingdoms are limited monarchies, except Russia and Turkey, which are absolute monarchies.

AN ARISTOCRACY is a government controlled by a few men distinguished for rank, wisdom and wealth. Venice was an aristocracy during the Middle Ages.

A DEMOCRACY is a government by the people in person. Rhode Island was a democracy for a brief time.*

A REPUBLIC is a representative democracy. Our States and the United States have a republican form of government.

23. Sanctity of Government.—The interests of a people are so closely blended with their government that government becomes the supreme interest of the people; its character is sacred, because its preservation concerns the lives and the property of all who compose the nation. Therefore the attempt to overthrow the prevailing government is a crime against the nation. This crime is called *treason*, and is punishable with death.

Sometimes a government is successfully overturned and remodelled with the consent of the people who compose it. A successful change in the government amounts to a revolution, such as occurred in this country in 1776. But

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* See ¶ 86, p. 51.

all thoughtful men agree that governments long established are not to be overturned for light and passing reasons, else all stability in human affairs would disappear and fickle-minded people would cause perpetual confusion in the world by the constant change in governments. The people have the right to alter or amend their own government in a peaceful way, as was done in this country in 1789.

24. The True Basis of Government.—When we look a little closer for the foundation of government, we discover that it exists in the nature of men themselves. The rights of persons give occasion for government. Individuals have by nature desires, wills, ideas, character, and upon these, government is founded. The natural rights of men, women and children as citizens are called civil rights. Some citizens have other rights which are called political rights. The right to personal security is a civil right, and is common to all citizens; the right to vote is a political right, and is possessed by qualified persons called electors. But the true basis of government is persons, not things.

CHAPTER II.

THE FOUR GROUPS OF RIGHTS.

25. Men Differ concerning Rights.—We might think that every man could guard his own rights, and that in this way the rights of all would be protected. But men differ among themselves in their opinions about their rights: this difference of opinion is natural to men, and must always be taken into account in human affairs. Government is based upon men as they are; it is a formidable reality. If only a few men lived in the world, in a simple way of life, isolated from each other, they might possibly be able to protect their own interests, but they could not realize their own rights. Men cannot live in isolation; association is necessary, and this necessity gives rise to human society.

26. Rights of Society.—The word "society" is also an important word. Individuals have rights as individuals; they also have rights to and in association, called the rights of society. The relation of the individual to society is that of the part of a living organism to the whole of the organism. An individual is a part of society, and is incomplete outside of it. The political rights of an individual are largely fixed by his relations to society.

27. Rights and Duties Related.—Every right, whether of the individual or of society, implies a duty. Every duty implies a right. A duty is the exercise of a right. The words right, citizen, society, and duty are of intense interest to civilized people; they stand for ideas and principles of primary importance to human beings.

The rights of individuals and of society give rise to that

kind of knowledge called political. The word "political" originally meant urban, or pertaining to the city, because people are closely associated in a city and are compelled to recognize their own rights and those of others. Cities have served a peculiar office in discovering the rights of men, and many of the cities of England maintained the rights of the citizens when these rights were lost in the rural districts. Cities have preserved human liberties.

The duties of individuals and of society give rise to that knowledge which we call *moral*. The word "moral" implies the idea of conduct or custom of doing, judged by the standard of human welfare and of Divine law. A man is a political being because he has rights; he is a moral being because he has duties.

28. Individuals and Society.—Government protects a person in his rights and requires him to perform his duties. The character of society is the character of the individuals who compose it. Bad men make bad society. Government must therefore address itself directly to individuals, must have power over them, and must depend upon them for its authority and for its character. We are individually a part of the government, and should know our rights and perform our duties. The neglect to do so endangers the government and wrongs us individually. The rights now so common among us are ours only after the greatest struggles that the world has seen.

29. Natural Rights.—We do not inherit rights; they are inherent; God creates them in every person. There have been governments in the world for ages, but the truth that all men are born with equal rights has been accepted less than a hundred years. To understand and to live this truth is the privilege of the world to-day. We of the United States have this privilege by the law of the land. But because we have more rights than any other nation, we have more duties. American citizens have rights and

duties unknown to the people of Europe. Yet many institutions common among us began long ago in Europe.

30. Foreigners become Citizens.—Several hundred thousand Europeans come to the United States every year for permanent homes. They are chiefly from England, Ireland, Italy, Germany and Scandinavia. They have caused those sections of the United States where they are most thickly settled to take on a character peculiar to themselves; some parts of the United States are Germanic, some are Scandinavian, some are Italian, in many of their prevailing customs. The African race has been in this country since 1619. Africans and Europeans and some Asiatics are made welcome by our government, and by conforming to the laws they have become American citizens. They learn the rights and the duties of American citizenship by actual practice. Serious social problems constantly arise; but the experience of the past encourages us to believe that we shall be able to solve these problems by earnestly grappling with them in the recognition of our rights and the performance of our duties.

The Four Groups of Rights.

31. Industrial Rights.—The citizen has the right and the duty to support himself and those dependent upon him by honorable labor: such rights and duties are called Industrial. These are many and of first importance. Within this group fall all the rights of laborers, operatives and of makers of things of every description. Industrial rights and duties affect the business, the material interests of the household, and the productive interests of the country—the farms, manufacturing plants, the wages of men, women and children, the hours of labor, the means of transportation, such as railroads, canals, steamship lines, express companies and common carriers. Industrial rights and duties also extend to society at large. America has vast industrial relations with other countries; we use arti-

cles produced in foreign lands, and they use articles made by us. Our industrial interests comprise a large portion of our wealth, and government guards them with extreme care.

32. Political Rights.—The citizen has also opinions as to what he himself and society should do and what ideas should be supreme in the state. These ideas of control or government are called political ideas. His political ideas are his own property, and he has the right to express them and to carry them into effect with the aid of his fellow-citizens, provided that neither he nor they do or suffer wrong. His right is to do unto others as he would have them do unto him. Men are always trying to enforce their ideas upon others—*i. e.* to govern them. In this second group of rights and duties are all those rights of opinion concerning government, such as, what kind of government is best; how government should be administered; who should exercise authority; where that authority should be located. Political rights and duties affect all our opinions about human laws, the nature of public offices and the character of public officers. Political rights and duties are concerned when public servants are chosen, such as school-directors and assessors, tax-collectors and judges, governors and senators, members of Congress or the President of the United States. Political rights and duties are concerned in such ordinary and important matters as the carrying of the mails; the material, the quality, the quantity and the denominations of our money; the fixing of county, State and national boundaries; the support of an army and of a navy; and they are concerned also in such seemingly trivial matters as the shape, color and value of a postage-stamp and the selection of the man's face upon it. These rights and duties are of such importance that men organize powerful political parties to maintain their opinions, give their energies, time and money for the support of these opinions, and seek peaceful solution of governmental problems by elections, or compel the solution

of them by wars and treaties. The political rights and duties of individuals have assumed so much importance in this country that they are often said to be the supreme interests of the citizen. But they are only one of a group of rights of equal interest with other rights.

33. Social Rights.—An American citizen is also part of society; he has social rights and duties. These are of a comprehensive character, because they affect the nation as a whole. Social rights and duties are concerned in the establishment of all kinds of schools for the benefit of the public; for the reformation of criminals; in the maintenance of asylums for the aid of the afflicted, such as the blind and the insane. Society is interested in the preservation of health and public comfort, public order, good roads and bridges, clean and passable streets, safe public and private buildings, the lighting of public places, the removal of all substances that may poison the air we breathe or the water we drink. These rights and duties are liable to be neglected, although they are commonly admitted to be of vast importance. The welfare of society is often of greater moment than the comfort of an individual. When the interests of the individual and of society conflict, the individual must yield to society if society insists upon the yielding. This right of society is called the right of eminent domain.

THE RIGHT OF EMINENT DOMAIN is a sovereign right exercised by a government or by a corporation, by which individual interests are compelled to yield to the interests of society, of the corporation or of the government.

A CORPORATION is a body of persons authorized by law to act or do business as a single individual. A railroad company, a manufacturing company, a bank, a chartered city, are illustrations of corporations.

34. Religious and Moral Rights.—The citizen has also other rights than those enumerated: he is a child of God and lives in relations with him. Man naturally worships

some being superior to himself. We have rights of conscience and we have moral duties. These we are permitted to exercise freely so far as they do not break the peace of the state. These rights and duties are concerned in the maintenance of religion; the proper regard for the Sabbath; the reverence for sacred things and ideas; the support of public worship; the bettering of the world; the conscientious attention to the duties of life. For many centuries men struggled to realize the right to worship God according to the dictates of conscience: that right has been and is fully realized in this country. Closely related to these rights and duties are those of a moral character which are implied in the word "ought." All good government is moral in its character.

35. These Rights often Mingle.—A right may at the same time be industrial, political, social, religious or moral. We cannot always separate a right from its companions. Government is concerned to protect them all. A school illustrates them all: it is a place of industry; here we learn to govern and to be governed; it is a society, and has rights and duties as such; all schools are subject to moral rights and duties.

36. The Four Groups and Government.—These rights and duties are natural to us as human beings; government is based upon them, is protected by them, and in turn protects them. They all unite in the citizen. The government of a people is understood when its industrial, political, social and religious or moral rights are understood. The sovereignty of an opinion and its expression in a form of government or in the election of a body of public servants represents all these rights; hence we have come to speak of our political rights as representative of all our rights and as of supreme importance.

CHAPTER III.

THE STORY OF POLITICAL RIGHTS IN ENGLAND.

37. Our German Ancestors.—About two thousand years ago the Roman Empire comprised the civilized world. It was busy conquering the barbarous nations, and sent its legions and its greatest soldier, Julius Cæsar, into Northern and Western Europe to conquer the strange peoples who then lived in Germany and Gaul (France). For nearly four hundred years the struggle continued, but the brave Germans were never conquered by Rome. On the contrary, the Germans in great numbers left their own wild country and marched in nations into Italy and seized Rome. About 500 A. D. the different nations of Europe, as they are now located on the map, took a beginning. The Germans also moved westward into the lands now called Denmark, Schleswig and England. They were so strong as largely to fix the customs, the laws and the language of Northern Europe to the present day. From Germany to England and from England to America has been the journey of political rights. These rights and duties were not formerly so plainly understood as at the present time, for the knowledge of rights increases as men learn them by experience.

38. Constitutions.—Nations like individuals learn by experience, and they express their knowledge of rights and duties in important writings which we call "constitutions." If you examine a written constitution, you observe that it is an instrument expressed in a formal way, and is divided into articles and sections. But written constitutions are not very old; the people of America were the first people

in the history of the world who formally set down their civil institutions in a written constitution. Since our ancestors began to form constitutions two centuries ago, all highly civilized nations have learned to form them, so that it may be said that America has taught the world how to frame a written constitution. It is interesting to know how our ancestors in this country acquired the habit of expressing their ideas on political rights and duties in a constitution. The story is as follows:

39. Origin of the Town and of the Township.—The Germans, whom even Roman legions could not conquer, were a brave, warlike and virtuous race. Every warrior was a freeman. He and his kindred lived together in a cluster of houses, each having a door-yard and a garden. Around this settlement of one kindred a hedge or ditch or rude, strong fence was made. The hedge was called a *tûn;* it might enclose a farm or a hamlet. He who lived within the *tûn* was called a *tûnes-man*, as the dweller within the boundaries of the settlement is still called by us. The house of the *tûnes-man* was called *bûr*, or *burgh*, a dwelling, from which we get our words *borough* and *burgess*, and the last syllable of the names of some towns, as Pitts*burgh*, Edin*burgh*. The Northman called his strong house *gardr* or *garth*, whence our words *garden* and *yard*.

40. Freemen as Landholders.—The freeman owned land and was the head of a family. The unit of measure in rights and duties is the family; this unit is found among savages, herdsmen, tillers of the soil and manufacturing peoples. The family is a sacred institution and as ancient as the race itself. All the lands controlled by the townsmen were comprised within the *tûnscipe*, or township, and to this day the township remains the unit of measure for our political divisions. When we say "town" or "township," we use a name that has been used continuously for more than two thousand years for the same object. But government becomes more complex as men

become more civilized. The townsman of to-day has many more political rights and duties than had the German *tûnes-man* of long ago.

41. The Parish.—When Christian missionaries came among the Germans a new word came also — the word *parish.* The parish marked the boundary assigned by the Church to the priest for the performance of duties. The parish was usually of equal extent with the township. The word itself meant the *church-home,* for all the people of a parish had the same church home. The two words, township and parish, continued to describe the same area of land, and were brought from England to America as expressive of two harmonious ideas. We shall discover that the ideas of men changed; the words soon fell far apart as Church and State were separated. In the southern part of the United States the term parish continues to mean what the term township signifies in the North, a civil division of the State.

42. The Hundred.—The German townsmen often assembled together in political meetings, called *gemoten,* for the purpose of electing town officers. At these meetings laws were made, and our word "*by-law*" is said to mean the law made by the township, or, as it was once called in Northern England, the "*by.*" The townships united for the convenience of administering justice comprised the *hundred.* The court of the hundred decided disputes. Jury trials were introduced by the slow growth of custom. The court of the hundred was the lowest court, and it so continues in Germany, England and the United States to this day. In some of our States even the word hundred remains, as in Delaware; the court of the hundred we commonly call the *Justice's court.*

43. The Shire.—Several hundreds comprised a *shire,* which meant a *share* or part of the whole country. The word is still common in England. In New England the word is often used in conversation, but the subdivisions of

the States in this country are commonly called counties, a name that was introduced into England by the Normans, and which designated a military division of the realm. The shire had also officers and courts, the prototypes of our county courts and officers.

44. The Shire-reeve.—The principal officer of the shire then, as now, was the *shire-reeve* or *sheriff*, signifying then the representative of the king's authority, and with us the representative of the majesty of law and the authority of the people. The county court was held for the trial of causes more important than those tried in the court of the hundred or of the township. It is so at the present time, and now, as then, the person who is summoned to attend court is under the special protection of the law.

45. Our Civil Institutions very Old.—We see, then, that our civil institutions are very old, but the oldest are our local institutions, those that are right about us and which seem to thoughtless persons so commonplace. These local institutions lie at the foundation of our government and of the constitutional governments of Europe. Although the United States is a new country, its civil institutions are as ancient as those of England or Germany.

46. German Conquest of Britain.—About the middle of the fifth century the German tribes began to land in England. They soon made the country their own, and introduced German ideas and forms of local government. Two tribes took the lead: the Angles or *Inglisc*, who gave their name to the language, and the Saxons, who gave their name to the civil institutions. Our institutions are not strictly Anglo-Saxon, for the Americans have discovered many rights and duties for themselves such as never have existed in Europe.

47. Civil Institutions Subject to Laws.—Political rights and duties do not discover themselves by accident; they are controlled by laws. These laws are based upon the nature of man. From time to time discoveries are

made concerning the nature of these rights and duties, just as discoveries are made concerning the nature of other natural phenomena. There is, however, one difference to be noted: rights and duties are discovered by experience; the nature of natural phenomena is determined by experiment. Human life and its interests are too sacred to permit experiments to be made for the purpose of discovering rights and duties, as experiments are made in chemistry to determine the nature of strange compounds. The closer a government gets to the experience of the people, and the less it experiments with them, the more the welfare of men is promoted. Only arbitrary despots like the Czars of Russia ever experiment with human beings, A law is sometimes called an experiment, but it is based upon previous experience. Oftentimes people who are corrupt or ignorant oppose the increase of knowledge of political rights and duties. This opposition is often composed of masses of people led by bold men. But such opposition to the general welfare has caused mighty struggles for rights, such as the wars that have devastated different countries at different times. We must keep in mind that political rights and duties are as natural to all men as eating or sleeping; if not subject to wise laws men become politically diseased and think and act foolishly and wickedly, and have to suffer the consequences of their actions. A great law of politics is, that *the possession of power is the possession of responsibility:* in a republican government like our own, this responsibility rests upon every citizen, for the authority of the government is the will of the people of the United States.

48. Freemen's Rights and Land Rights.—Anglo-Saxon ideas prospered in England, and in a few years overspread the land. In three centuries they were firmly rooted in the island. Land was held in two kinds of ownership: one, ownership by the individual; the second, ownership by the public, or, as we are accustomed to say,

by the state. The public land was called the *commons*, a word still used in some parts of our country as the name of public parks or squares. There were freemen with land and freemen without land, but the landed freeman enjoyed rights not allowed to the landless man. The notion that land-owning gives peculiar rights politically, continues in England to this day, and it prevailed in some parts of the United States until about 1850.

49. Growth of Cities.—Great towns grew up in England, and the townspeople were very active and jealous of their ancient rights. Time and again the kings tried to restrict the liberties of the towns, but the resistance of the towns was too great. So as time passed the people liked their ancient rights better and better; they liked the freedom that was guaranteed by their old laws and customs. Often they were called upon to assist the sheriff in the execution of the laws. One of these old customs, called the "Hue and cry," still continues.

50. Hue and Cry.—If a person in the hundred or the shire had committed a crime, he was quickly pursued by those whom he had wronged or by the sheriff. If he could not at once be found, the *hue and cry* was raised, and all the people joined in the search until the offender was seized. The sheriff still has the authority to call on the people of the county, the "*posse comitatus*" as it is called, when he alone is unable to execute the laws.

51. Juries and Tax-levies.—The English people liked the free and ancient manner of acquiring and of conveying land; they liked their old custom of trying suits at law before a jury of twelve men, who saw the parties in the dispute face to face, heard the story of each party and decided according to the facts in the case. They liked also the ancient manner of levying taxes, which was to allow the elected representatives of the people of each township to levy the taxes for that township. This was in accordance with the rights of local government. Is it

strange that the people came to speak of their rights as "the ancient and undoubted rights of the people of England"?

52. The Norman Conquest.—A great change came over England in the year 1066: the Normans, a Franco-German people, conquered the island. These French-speaking Germans took all the land of England as a military tribute, and the Norman leader, William the Conqueror, took the title to all the land. He gave part of it to his nobles on condition that when he wished their services they would instantly come and serve him: the land taken in this manner by a nobleman was called a *feud* or *fee*, and the system thus begun was called the *Feudal System*. The feudal system still prevails in England, but it never prevailed in the United States. It lies, however, at the foundation of some of our ideas about land. By it the title of all the land was vested in the king. With us the title of land is vested in the owner of it, but if the owner is not the state, the title of the land can be traced back to the state, for the state in this country is the lawful successor to the king.

53. Origin of Taxes.—The personal service of the lord in war was not regular, and after a time the king consented to take a definite sum of money instead of war-service; the lords thus became taxpayers, but they collected the money for the taxes from the people who lived upon the land, and these people were the descendants of the ancient owners of the land.

The king was supposed to be the real owner of the lands and to protect them, and, as he had given the land to the lords, they did not dare refuse to pay him taxes, lest he should take their lands away and give them to others. In the United States we know that if a person fails to pay the taxes levied by the authority of the State, the sheriff will seize his land and sell it. The sheriff represents the people of the State by whose authority the taxes were

levied. In England the Norman king was the state, but he did not represent the wishes of the people.

54. The Rising of the People against the King.—One by one the ancient rights of the English people were taken from them by the king. Landholding became insecure; the old laws and customs were ignored; the people complained, but the king would not listen. At last the Archbishop of Canterbury, Stephen Langton, invited some of the barons of England to join with him in compelling King John to acknowledge, and rule according to the undoubted and ancient rights of the people of England. John refused; the king and the barons prepared for war, but the king's heart failed; he had a bad cause: he consented to grant a charter of rights, by which the old laws and customs should be restored and the people protected in the exercise of their ancient rights and liberties.

55. The Great Charter.—On the 15th of June, 1215, a memorable year in the story of liberty, the archbishop and some twenty resolute barons—statues of whom now support the ceiling of the House of Lords—met the king and his barons on a little island in the Thames, called Runnymede, about fifteen miles above the city of London. There and then the king was forced to acknowledge the ancient rights of his people in a charter called *Magna Charta*, the "Great Charter," and as the king and many of his barons could not write their names, they tied their seals to the charter with leathern strings, and the charter with its seals of stone may be seen in the British Museum to this day. The king tried to ignore the charter, but the people and their barons waged war against him with such success that he and his successors for more than seven hundred years have sworn "to rule according to the law of the land" and support the principles of the charter. This promise of the king of England at his coronation is similar to the custom that prevails in the United States at the inauguration of a President, who takes a sol-

KING JOHN AFFIXING HIS SEAL TO MAGNA CHARTA.

emn oath to "preserve, protect and defend the Constitution of the United States."

56. The House of Commons.—But some of the kings broke their promises to the people. Fifty years after the Great Charter the people of England found another patriotic leader and friend in Simon de Montfort, who seized the king, Henry III., and summoned the representatives of the people in a Parliament. The people had once been accustomed to choosing an assembly of their wise men, who had made the laws of the land, but in 1265 these assemblies had long fallen into disuse. De Montfort simply restored them and gave them a French name, *Parliament*, the "talking body." In this first English Parliament the people were again represented by two men from each shire and two from each borough. These representatives of the people soon united to form the *House of Commons*, which continues to this day as the representative council of the people of England. The Commons are elected by the Englishmen who vote. The king's council became the House of Lords, an hereditary body. The Lords are descendants of old land-barons or are men raised to the peerage by the king.

57. Powers of the House of Commons.—The Commons soon showed their power to be greater than that of the Lords. From ancient times the representatives of the people of the shire had voted the taxes to be raised by the shire; the Commons therefore voted the taxes for all England. The existence of the army and of the navy and of the entire clerical force of the government depends upon the vote of the House of Commons. Even the money for the king's household is the gift of the House of Commons.

58. Struggle between King and Commons.—For the last five hundred years in England the king with the lords have been struggling against the commons. Sometimes the House of Commons has been frightened into a

brief surrender of ancient rights, but the people have always regained more than they seemed to lose. England has become more and more democratic every day. The struggle between king and commons reached its height during the time of the House of Stuart.

59. The Petition of Right.—In 1628 the House of Commons wrung from the king the second charter of liberty, the *Petition of Right.* By this charter the king gave up for ever all claim to the right of levying taxes; he no longer could imprison a subject at will; he could not quarter soldiers in any house without the consent of the owner. But after a few years King Charles I. disregarded the Petition of Right.

60. Civil War leads to the Commonwealth.—The king and his followers, called the royalists, made war upon the House of Commons. Civil war raged for about six years, till the king was made a prisoner, was tried by a jury in the great hall of William Rufus, was sentenced to death, and was executed, because he had attempted "to rule contrary to the law of the land." Then for twelve years the people of England had no king, but were governed by Parliament. Oliver Cromwell, one of the greatest of Englishmen, became chief executive with the title of Lord Protector, a significant title for the chief magistrate of a free people. England was a commonwealth. But the royalists wanted a king, and they succeeded in restoring a son of the beheaded king, and Charles II. ruled in England. Liberty had made much progress under the Commonwealth, and it continued to progress under the rule of the new king.

61. Habeas Corpus the Security of the Citizen.—Although Magna Charta had said that no man should be imprisoned unless by the legal judgment of a jury of his peers, still in some instances persons sent to prison by the king's warrant had been kept there without help or remedy. In 1679, Parliament remedied this evil by passing

the *Habeas Corpus* act, which prevented the king and his successors and all others in authority from keeping prisoners in jail at pleasure. Every prisoner in England and in this country committed to jail on charge of any crime is entitled to have a hearing before the court in his own behalf, and have the charges against him examined lawfully. The words *habeas corpus* mean, "Have thou the body." By the exercise of this right the body of the prisoner must be brought before the court to answer in his own behalf whether he shall be returned to jail or set free by the judgment of the court and the law of the land. The act has been re-enacted in every American State, and is considered the most famous security of personal liberty known to our laws.

62. The Bill of Rights.—Nine years later, in 1688, the English people by their representatives in Parliament expelled their king, James II., brother of Charles II., because he persisted in attempting to rule contrary to the law of the land. They declared the throne vacant, and invited William, Prince of Orange, to take the crown, on condition that he would acknowledge the ancient rights of the English people and swear to support and defend them. That there might be no mistake concerning these rights, Parliament drew up a statement of the principal rights long claimed and contended for by the people. This statement is the famous Bill of Rights of 1688. Prince William consented, and a member of Parliament placed the crown upon the new king's head as the first constitutional king of England. So it is truly said that since 1688 the monarchs of England have their title by act of Parliament; that is, by the consent of the representatives of the people of England.

The Bill of Rights has been called the constitution of England; but that statement is not quite correct, because the English people have never reduced their civil institutions to writing. The British constitution consists of the

law of the land, its civil institutions, and the rights and duties of the English people.

63. Settlement of America.—But while the English people were struggling against the House of Stuart (1603–1688) English, Dutch and French colonies had been planted in America. English ideas of right and duty were transplanted to Virginia, 1607; New York, 1614; Massachusetts, 1620; New Hampshire, 1623; Connecticut, 1633; Maryland, 1634; Rhode Island, 1636; Delaware, 1638; North Carolina, 1650; New Jersey, 1664; South Carolina, 1670; Pennsylvania, 1682; and in 1733 to Georgia. The Dutch in New York and the Swedes in Delaware were too feeble to stand against the vigor of English civil institutions, which were introduced into these two colonies early in their history English ideas of rights and duties reached America just a thousand years after they had reached England. But from the time of their introduction into America they have lived under kindlier influences and have moved in a wider field, until the mighty growth that they have made almost prevents a ready recognition of them in their old English form.

64. The Experience of England Beneficial to America.—The long and successful struggle for rights in England was of incalculable advantage to America. The first settlers along the Atlantic coast profited from the experience of their fathers in England. Little was to be learned from the experience of any other nation of Europe, because England was the only land of rights across the sea. England had become a constitutional monarchy; that is, her king ruled according to the will of his people expressed by their representatives in Parliament. But we must not imagine that an Englishman of the seventeenth century had all the rights now enjoyed by a citizen of the United States, or even by a citizen of England at the present time. We shall discover that the rights of the citizen of the American States have increased rapidly in a hundred

years, and they are enlarging all the time as he becomes conscious of them and lives up to the demands of his industrial, political, social and moral duties. Some of the rights denied Englishmen in 1688 were—freedom of worship; freedom of education; freedom to participate in the government by voting; freedom to choose a trade or occupation; freedom to work without industrial restrictions; freedom to own land; freedom to travel where they pleased; freedom to publish their opinions.

The Englishmen who came to America during the century and a quarter in which the American colonies were founded, brought with them many ideas which would now be considered intolerant. These ideas, however, were immediately enthroned in the customs and laws of the colonies. America has outgrown the limitations set upon her growth in early colonial days, and has become the freest country in the world.

CHAPTER IV.

THE STORY OF POLITICAL RIGHTS IN COLONIAL AMERICA.

65. The Three Parts of Government.—During their long struggle for political rights the English people became a nation. They spoke a common speech and their geographical boundaries were known. The language as now spoken has been heard since the time of Shakespeare, who lived to write of America in one of the greatest of plays.* At the dawning of the seventeenth century an Englishman familiar with the character of the government under which he lived was accustoming himself to think of it in three parts:

1. The King.
2. The Body of Lawmakers, known as the Parliament, consisting of two houses—the upper house, or House of Lords; the lower house, or House of Commons.
3. The Courts of Justice.

In the administration of government he recognized local self-government in the parish, and was familiar with trial by jury, taxation and a partial representation of the people in Parliament.

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* "Wherever the bright sun of heaven shall shine,
His honor and the greatness of his name
Shall be, and make new nations; he shall flourish,
And, like a mountain cedar, reach his branches
To all the plains about him."

(Archbishop Cranmer's Prophecy concerning King James and Virginia, *Henry VIII.*, Act V.)

These ideas, however, were possessed only by the few; the mass of English people were illiterate and unconscious of the nature of the government. A century passed before such ideas as these became common among Englishmen.

66. The King represented in his person the unity and the power of the nation.

67. The House of Commons represented the ancient rights of the people of England, and was in sympathy with the principles of democracy.

68. The House of Lords represented the hereditary rights of the landed aristocracy and feudal nobility, and was in sympathy with the principles of monarchy.

69. The Courts of Law.—The judges were appointed by the king and represented him in judgment; he was and is now considered to be ever present in his courts. The judges had great influence in forming the law of the land by their decisions in suits at law. These decisions were recorded in reports, and became the precedents for the decisions of later judges both in England and in America.

Many of the first settlers in America were learned men, and they brought with them the ideas prevailing among advanced English political thinkers. They had an idea that a government should consist of three departments, but, as we shall see, the departments were not distinct from each other. Both the Virginia and the Puritan colonists brought with them a plan of government.

70. The Virginia Idea of Government.—The Virginia colonists of 1607 were fortune-hunters. They consisted of freemen and indented servants, a class of poor white people bound to labor for a term of years. The plantation became the unit of measure in civil affairs. Only freemen, and those indented servants who became freemen, could vote. Slavery was introduced in 1619, and gradually spread over the entire South. In the summer of that year the governor of the colony called a gen-

eral assembly, consisting of his council as an upper house, and two burgesses from each plantation as a lower house. This was the first legislative assembly that met in America, and was in session five days. It passed a few simple laws of local importance, but it was of great importance itself as the first of legislative assemblies which from that day to the present have been chosen by the people of America. It was the beginning in America of the recognition of that primary political right in this country, that *any citizen of a free community may initiate a law.* This right is the fundamental right in American civil government. It was the essential part of the Virginia idea of government.

This General Assembly, called the House of Burgesses, together with the governor, sat as a court for the trial of causes, after the precedent of the British Parliament. Thus, the Virginians early instituted a tripartite government: an executive, the governor; a legislative, the assembly; and a judiciary, the assembly and governor sitting as a court. This assembly was sometimes called "the Little Parliament."

71. Parishes.—Early in its history the colony was divided into parishes; the plantations extended irregularly along the rivers, and the parishes were formed to suit the convenience of the people in attending church.

72. Counties.—In 1634, Virginia was divided into counties: no system of public survey was followed, and these counties were formed by uniting, for common convenience, a number of adjoining plantations. The plantation was part both of a township and of a parish, and the interests of Church and of State were confused.

73. The Five Jurisdictions.—The Virginia planter in 1640 lived under five jurisdictions:

1. *The Township*, political, industrial, social, moral;

2. *The Parish*, or church organization supported by the plantations;

3. *The County*, political, industrial, social, moral;
4. *Colonial*, the General Assembly;
5. *National*, the King and Parliament of England.

74. Civil Life.—The planter paid tithes to the church of his parish; he paid taxes for township and county purposes; he sent his tobacco and some other raw products to England and received manufactured articles in return; he was not allowed to trade with any other than British merchants.

75. The Planter.—Only a few of the colonists participated in local government by voting for local officers or for members of the House of Burgesses. An elector was a freeman who owned land, who belonged to the Church of England, and paid tithes to the Church and taxes to the State. The government of Virginia continued to preserve these essential features until the American Revolution.

76. Maryland.—The governments of the remaining Southern colonies were like that of Virginia. The king granted a charter to a company of English gentlemen authorizing them to organize a colony with one of their number as governor. The governor appointed a council; sometimes there was a double government—the original government in England, composed of the company, and the government in America, composed of the agents of the company. The freemen in the colony were usually allowed to choose representatives who composed the lower house of the colonial assembly. In Maryland, at an early day, all the freemen actually came together and formed a general assembly, but soon the assembly became unwieldy and local government was carried on in the hundreds, each hundred choosing a representative burgess for the general assembly. Maryland had a lord proprietor, who for a long time was accustomed to summon by special writ any persons whom he chose to his own council, just as the king of England may summon whom he pleases to the

House of Lords. In this manner the proprietor filled the assembly with his personal friends and made laws at his pleasure. The hundreds joined to form counties. In the counties nearly all the officers were appointed by the proprietor. As in Pennsylvania, his power was hereditary, and often contrary to the wishes of the people. After 1692 the Church of England was established by law, and the people of the colony had fewer privileges than those of Virginia.

77. North Carolina.—In North Carolina were parishes, plantations, and counties as in Virginia. The governor was appointed by the king. The governor appointed six of his council, and the company controlling the colony appointed six more; the freeholders elected an assembly. Probably North Carolina was the worst governed colony in English America. In 1677 the governor attempted to levy taxes much in the same manner pursued by Charles I. of England. The people seized and imprisoned the governor, and made a new and more democratic form of government for themselves. In 1688 they drove away another bad governor, when England drove away a bad king. The people of North Carolina constantly struggled for their rights, and gladly joined in the Revolution of 1776.

78. South Carolina.—For South Carolina the English proprietors adopted the most curious and absurd plan of government ever tried in America. It was known as "The Grand Model," and was prepared by the celebrated John Locke, but it does not contain Locke's three principles of government: (1) That the people have the right to take away the power given by them to the ruler; (2) that the ruler is responsible to the people for the trust reposed in him; (3) that legislative assembles are supreme in their power, because they represent the supremacy of the people.

The people were to be known as leetmen, and they were to be tenants on the lands of lords of various rank. These

ranks were of palatines, admirals, chamberlains, chancellors, constables, chief-justices, high-stewards and treasurers, and the land was to be divided into counties, seignories, baronies and precincts. All the land was to be owned by the nobility, who composed two classes, the landgraves and the caciques. The children of noblemen should be noblemen and own land; the children of leetmen should be leetmen and should be landless. One high officer was to regulate all sports, games and fashions; there was to be a house of lords and a house of commons. A member of the house of commons was to possess five hundred acres of land, and was to be elected by freeholders having fifty acres each. This elaborate government seems the more absurd to us when we reflect that it was intended for a company of immigrants living in the wildest of woods. It was a failure, but we find some remnants of it in the government of South Carolina organized in 1776. Only one idea in Locke's government has ever been incorporated into the government of the people of the United States: the division of the land into squares of one thousand acres each, a division proposed and followed for a short time in the United States surveys, but soon modified to the section of six hundred and forty acres, one mile square, as the unit of all public surveys.

South Carolina was soon freed from this plan of government and became a colony similar to that of Virginia. Church and State were united, and the poor man had no part in civil affairs. This curious plan of government illustrates the utter ignorance of political leaders in England concerning America. Both in North and in South Carolina the people wearied of the proprietary governments. The proprietors were aristocratic and tyrannical, and the people were so hostile to them that in 1719 the proprietors were compelled to surrender their grant to the king, who appointed a governor. The royal governor appointed his own council; the freemen, who were qualified

by the possession of property to a certain amount and of religious ideas of a certain kind, were electors of the lower house of the colonial assembly. The governor and his council composed the highest court in the colony. This form of civil government continued until the Revolutionary War. The Carolinas were separated in 1729.

79. Georgia was founded as a home for poor English debtors. All power was vested for twenty-one years in English trustees who never saw the colony, yet who persisted in making laws for it. They failed in their efforts. The colonists ran away into Virginia and the Carolinas. They complained because they could not acquire land in their own right in Georgia, because they were not allowed to have negro slaves, and because they had no part in the government of the colony. At last, in 1752, the trustees surrendered the charter to the king and a government similar to that of Virginia was framed.

80. General Character of the Southern Colonies. —All of the Southern colonies were at first weak settlements venturing into the Atlantic wilderness for the sake of acquiring wealth. Several of them—namely, Virginia, North Carolina and South Carolina—were organized in England as great schemes or monopolies. The English proprietors expected to acquire great wealth. The people whom they first sent to America were not equal to those who came later. The substantial character of the Southern colonists at the time of the American Revolution did not distinguish these first adventurers. But in the early history of each colony came men and women of high character who soon made that character felt. The colonists threw off the absurd conditions set by the ignorant proprietors and compelled them to grant the rights of Englishmen. The people were wiser than the politicians of England. The tendency of government in the Southern colonies was rapidly toward democracy. By 1776, African slavery was firmly established in Maryland, Virginia,

Delaware, North Carolina, South Carolina and Georgia. Church and State were united. The few voters in the South were land-owners and Churchmen. The slaves and the poor whites, who took no part in the government, comprised four-fifths of the population. The political, industrial and religious rights of the majority of the population were seriously restricted, not only by the English government and its colonial agents, but by the general ignorance of the people themselves. Between the royal government and the people of the colonies existed constant ill-feeling. The people chafed under arbitrary restraints. Rebellions frequently broke out. In 1676, Nathaniel Bacon, a young planter, raised soldiers among the settlers and began a war of defence on behalf of the people of Virginia against Governor Berkeley. Bacon died and many of his followers were cruelly put to death. As time passed, all the offices in each colony fell into the hands of a few leading families, who continued to hold them until long after the Revolution of 1776. The poor man had no part in the government except to pay his taxes promptly. The clergy, the lawyers, the physicians, the judges, the sheriffs, the members of council and of assembly, and the tax-gatherers were a class quite distinct from the mass of the people; they comprised an official class now quite unknown. The character of the colonies was English rather than American.

81. The Massachusetts Idea of Government.—The ideas brought by the English into the Northern colonies were not essentially different from those that prevailed in the South. The Puritans sought freedom of religion, but bore with them the political institutions and opinions characteristic of the England of the seventeenth century. The Puritans were a body of emigrating Church people having religious opinions held in unfriendly light by the British government. They formed a joint-stock company with some London merchants who expected great riches from the new adventure. This expectation, like others of

its kind, was never realized. The New England colonists had no charter directly from the king; they intended to settle in Virginia, but an error in navigation brought them to Plymouth, which lay outside the charter boundaries of Virginia. While yet on the Mayflower they signed an agreement or covenant written by themselves by which they agreed "to combine together into a civil body politic" "to enact, constitute and frame such just and equal laws .... from time to time as shall be thought most convenient for the general good of the colony." To these laws all promised due submission and obedience. They were a small band of men in a vast wilderness, and their action shows us the natural tendency of men of Anglo-Saxon blood to form a government when left to themselves.

Daniel Boone and his friends in Kentucky, the Scotch refugees in Tennessee, and the miners and merchants of California, at the time when these States began, were compelled for the protection of life, liberty, property and society itself to organize civil government.

82. Virginia and Massachusetts Compared.—We have seen that the political unit in Virginia and throughout the Southern colonies was the parish or the plantation. The same unit started in New England under the name parish or township. The term "parish" prevailed in the South because the Church of England was there united inseparably with political affairs. The New England colonists were dissenters from the Church of England, and they preferred the name "township," to which they were accustomed in England, to the name parish, which suggested to them intolerant religious opinions. The township came to be called the town—an early evidence of the tendency in Northern America to abbreviate political and other terms. The two names of our simplest political unit continue to this day in America in the latitudes where they were first introduced.

83. Church and State United in New England.—

(See page 239.)

SIGNING THE COVENANT IN THE CABIN OF THE MAYFLOWER.

Although the New England colonists were dissenters from the English Church, they proceeded to unite their Church and their State in the township. The male church-members were the town electors.

84. The Town's Mind.—Each congregation and each town was independent. The town's mind was frequently ascertained by the vote of the freemen in town-meeting. Each freeman, as in Virginia, was a land-owner and a church-member. Each town annually or semi-annually chose a moderator, three or more selectmen, a treasurer, a coroner, a town clerk, a constable and a tax-gatherer. The town also elected a representative to attend the General Court or assembly of representatives from all the towns. This House of Assembly, or General Court, as it long continued to be called in Massachusetts, made the general laws for the colony. The freemen also elected a governor once a year. The towns chose justices of the peace, and sometimes the judges, but usually the judges were appointed by the governor with the consent of the General Court.

The people of Massachusetts, like their brethren in Virginia, lived under five jurisdictions (see ¶ 73, p. 42):

1. *The Town*, corresponding to the township of Virginia;
2. *The Church Congregation*, corresponding to the parish in Virginia;
3. *The County*, as in Virginia;
4. *The General Court*, corresponding to the General Assembly in Virginia;
5. *The King and Parliament of England*, as in Virginia.

Thus the Episcopalian planter of Virginia and the Congregationalist farmer of Massachusetts, although they did not agree in their ideas of government, lived under the same kinds of jurisdictions. But they did not see this similarity as plainly as we see it now; they had little opportunity for exchanging political views.

85. Further Comparisons.—The General Court of

Massachusetts was further like the "Little Parliament" of Virginia in having two houses, sitting apart. In Virginia and throughout the South the governor, appointed by the king, chose the members of the upper house, and the electors chose the members of the lower house. In Massachusetts the freemen chose the governor and the members of both houses. The upper house was composed of the deputy governor and the assistants or council of the governor representing the districts; the lower house represented the towns. In the South a popular election was usually *vivâ voce*, but in New England, after 1634, the paper ballot came into common use. But the people of New England could not all vote. In Massachusetts, Connecticut and New Hampshire the voting franchise was restricted to men who were members of church organizations that were approved by the town magistrates and by the elders of the parent church.

Thus we see that in New England civil government came directly from the people; in the South, government had two sources—the people and the king.

86. Rhode Island.—In Rhode Island alone, of all the American colonies, existed perfect freedom of religion. This privilege in Rhode Island was sternly criticised by the people of the other colonies as very dangerous. Every man in Rhode Island who was the head of a family was a member of the General Court of the colony. Such a government was a pure democracy, and the only one that ever existed in America.* As Rhode Island became thickly settled the people organized a representative government under their charter of 1644. The government was similar to that of Massachusetts.

87. Connecticut.—In 1639 the people of Connecticut framed a written constitution, the first in America. In 1662, Charles II. granted them a charter, allowing them to

* See ¶ 22, p. 17.

elect all the officers of their colonial government after the custom they had already established. The governments organized under these charters were so satisfactory to the people of Rhode Island and Connecticut that Connecticut continued under hers until 1818, and Rhode Island until 1842. Massachusetts had received a charter in 1629, which was supplanted by a new one fifty-two years later. The new charter took away from the people the right to elect their own governor, who was to be appointed by the king. The remaining features of the old government were continued under the royal governors until the Revolution.

88. New Hampshire was the only New England colony governed directly by the king. Its people were few in number, but they did not like the royal government. Twice the colony joined Massachusetts in order to enjoy a charter government, and twice the king separated the two colonies. The government was closely modelled after the Massachusetts form.

89. Vermont was claimed both by New Hampshire and by New York. The people of the colony wished to be independent of both. They organized a government like that of Massachusetts. All through the Revolutionary War, Vermont maintained a separate government, and was the first State to join the original thirteen.

90. New England Industrial Rights.—Parliament passed many acts injurious to the industrial interests and rights of New England. The people complained, but to no purpose. Parliamentary restriction of industrial rights was the principal cause of the American Revolution. The New England colonies were more accustomed to self-government than were the colonies of the South—a difference largely due to the independent notions held by New England people on all subjects. This independence was fostered by education in the schools and by the education which the people received in their churches. The clergymen in the South were of the English Church, and usually taught the doc-

trine of conformity to royal commands and parliamentary enactments even when these were injurious to colonial interests. There were many other causes leading to the feelings and expressions of independence common to New England. One of these was the habit of New England people of working with their own hands; labor was honorable as well as necessary. The fundamental character of the citizen of New England was his respect for honorable work. He was an industrial as well as a political being. Slavery did not prosper in New England, although it was introduced there. Vermont alone of all the American colonies had no slaves during its entire history. But king and parliament opposed the idea that the New England colonies should in any way govern themselves. This ill-feeling increased rapidly toward the close of the eighteenth century, and was a prominent cause of the Revolution. The New England people, however, were quite as intolerant as many of the people of the South. They refused Roman Catholics the rights of freemen; they restricted those rights to church-members of their own peculiar faith; they even persecuted men and women of opinions different from their own. But after a century of experience they began to see that the rights of men and women were not to be construed according to the notions of New England people. By the time the French and Indian War was over the people of New England had become more liberal in their views. The Declaration of Independence was written by Thomas Jefferson of Virginia, but it was defended by John Adams of Massachusetts. The two colonies and their people were learning the lessons of political wisdom in the same school—American experience.

91. New York.—In New York the Dutch West India Company began a settlement along the Hudson River, but the province soon came under English control. The only permanent political effect of the Dutch settlement was the

creation of several vast landed estates along the Hudson and the Mohawk rivers, which caused some anti-rent troubles in the first half of the nineteenth century. New York was largely settled from New England, and was the first colony to illustrate the law of population in this country, that the people of the East have become the people of the West—a great social fact of government. New York was destined to lead all the American States in this westward movement. The laws of New York were modelled after those of New England. The town became the political unit. The freemen of the town chose the overseers and the other officers of the town. The overseers made local laws. The parish had no political significance in New York, as it had in Virginia and in Massachusetts. Industrial and commercial interests early directed the customs and the laws of the province. The harbor of New York has received the opinions as well as the commerce of the world. The tripartite government was familiar to the experience of the colony, and with the exception of the union of Church and State the civil affairs of New York were modelled after the already established jurisdictions to which the people of Massachusetts and of Virginia were subject. The royal governor, the two houses of assembly, the appointed courts of justice, distinguish the colony but slightly from the Northern or from the Southern type. Industrial prosperity from its earliest history caused New York to organize a compact and self-sustaining colonial life, which had the effect almost of independence, if not of separation from the remaining colonies. But the people of the colony were always accustomed to choose their local officers and the members of their lower house of assembly. There was up to the Revolution an increasing dissatisfaction in New York with the policy of England in attempting to restrict the industrial rights of the colonies.

92. Pennsylvania was a proprietary government with a legislative assembly elected by the people. An execu-

tive council to assist the governor was also elected, but it did not constitute an upper house as in Virginia. This colony was the only one in America in which the system of having two legislative houses did not prevail. The electors and the officers of the province from 1703 until 1776 were required to profess their belief in certain religious doctrines and to possess property and pay taxes. The people found the proprietary government burdensome, and gladly joined in the Revolution. The system of local government that gradually grew up in Pennsylvania continues in substance to the present day. The township became the unit of measure; the county entrusted its interests to three commissioners; the assembly passed local laws. Pennsylvania was little influenced by New England. It stood geographically and politically between the independence and industry of New England, and the ideas growing out of the union of Church and State, and the system of slavery prevailing in the South. In Pennsylvania labor was honorable, slavery was legal, and the spirit of independence was slow but strong. Like New York, the material interests developed very early, and gave to the colony an industrial character which as a State it has long maintained.

93. Delaware and New Jersey became royal provinces with a government similar to that of New York. Electors were required to be land-owners and to profess certain religious doctrines. The people became dissatisfied with the restrictions upon their rights, and were among the first of the colonies to advocate revolutionary measures. The interests of New York, New Jersey, Pennsylvania and Delaware were industrially sufficiently alike to group these colonies together, and they assumed a character peculiar to themselves. The parish was distinctly felt as a social and political force in the South; the township was so felt in New England. But in the Middle colonies the rural character of Southern life and the marine interests that almost dominated New England life had no

corresponding element, unless it be found in the small towns and cities which gave to the strong colonies of New York and Pennsylvania municipal interests and municipal rights and activities unknown elsewhere in America. The cities of Boston and Philadelphia early became centres of political influence. These two cities and the city of New York bore the same part in American history that many years before had been borne by London, York and Bristol in the history of English liberty. Thus it came about that the primary interests of New England came to be recognized as *marine;* those of the Middle colonies as *municipal;* and those of the Southern colonies as of the *plantation* and almost feudal in character.

94. General Condition of the Colonies.—In the middle of the eighteenth century the population of all the colonies was about 1,260,000, of whom one-fifth were slaves. Of this population, about 400,000 were white men of twenty-one years or over, but the actual voting population was not more than 100,000. The remaining white men were denied the right to vote on account of poverty—*i. e.* not having real or personal property to a certain amount fixed in each colony by law—or on account of their religious opinions. The people inhabited a narrow band of territory, about one degree in width, parallel with the sinuous Atlantic coast, extending from Portland in Maine to Savannah in Georgia. A few hardy men had ventured over the Alleghanies in the Northern colonies toward Pittsburgh, and in the Southern into Kentucky. Civil institutions were not defined with the accuracy to which the people became accustomed about the time of the Revolution. War for national independence teaches many profound political lessons, and the people of the colonies learned by experience the gradually unfolding nature of their rights. The political rights of freemen then would not satisfy a freeman now. The qualifications for being a voter then were not sufficient

for being assemblyman, sheriff, councillor, or judge. Such offices were held by men possessing more real property than the elector was required to own. If an officer of the colony lost his property, he could no longer perform the duties of his office, but was succeeded by a person duly qualified. All the colonial governments were in the hands of a few wealthy families.

95. English Restrictive Measures.— Nature was bountiful and the people prospered. Life was far easier than in England. But year by year the colonists felt more keenly the burden of parliamentary restriction on American industry. England derived much wealth from her American trade, compelled it to seek British ports, and viewed with increasing alarm the material prosperity of the colonists. The British government created a department for the management of American affairs called "The Board of Trade and Plantations." This board was arbitrary and ignorant of the true condition of America. It influenced Parliament to pass many restrictive measures on trade. The Americans complained in vain. Then the laws were evaded, and smuggling became a dangerous but profitable occupation in New England. The Americans took more interest in amassing wealth than in politics. But industrial and political rights are inseparably connected, and it was only when England denied them industrial rights that they thought of separation and independence. Restriction on colonial trade was one of the chief causes of the American Revolution.

96. Slavery was common, prevailing in every colony except Vermont. In the Northern colonies it did not prosper on account of the climate, the soil and the prevailing views concerning labor. But the ships of New England carried African slaves into Southern ports. Many people North and South said that human slavery was wrong, and believed that in time slavery would die out in America. Georgia and the Carolinas alone found

slavery profitable; these colonies raised rice, indigo and a few other tropical productions. But in a few years a single Asiatic plant and a single American invention caused a revolution in public opinion concerning slavery: it became, as many held, a necessary condition of society in America. The rights of man were not so well understood as the value of cotton and the cotton-gin.

97. England Taught the Colonies Political Lessons.—America during the colonial period was learning the principles of government by actual experience. England taught America these principles, but America has discovered much for herself concerning the nature of free government and democracy, and has in turn taught England many useful lessons. The old Germanic ideas were brought to America and flourished in the virgin soil. The colonies were three thousand miles from England—a greater distance then, practically, than the circumference of the earth is now. *The great lessons of colonial times were the tripartite division of government and its democratic character.* The tendency of all civilized governments in modern times is toward democracy ruling by representation. This idea was common in all the colonies.

98. Independence Achieved.—One hundred and sixty-nine years after the settlement at Jamestown the American colonies separated from England, and assumed "among the nations of the earth the separate and equal station to which the laws of nature and of nature's God entitled them."

99. The New Nation.—The people of the colonies differed among themselves in language, in customs and in laws, but the foundations of civil organization among them were common, strong and abiding. These foundations were—

1. A *country* abounding in inexhaustible resources of all kinds, having every variety of climate and soil, and access-

ible by means of water-routes from the Atlantic on the east and from the Mississippi on the west.

2. A *people* industrious, virtuous, intelligent, inventive, practical, capable of enduring hardships and accustomed to triumphing over them, and, above all, learning to govern themselves.

3. A *political organization*—

1. Townships or parishes;
2. Counties;
3. Colonies becoming defined States.

100. The Political Organization.—This comprised—

1. *Local officers* elected by the freemen in parish, township, and usually in county.

2. A *State Legislature* consisting of two houses:

The *Lower House*, elected by the freemen, representing the people, and having exclusive right to levy taxes and vote appropriations.

The *Upper House*, consisting in some States of members chosen by the electors, but of the governor or deputy governor and a council appointed by the governor in the majority of the States.

3. A *governor* elected by the people and responsible to them.

4. *Freemen*, relatively few in number, required to possess land or personal property of a value fixed by law, to subscribe to certain religious doctrines and to pay tithes to the Church and taxes to the State.

On this broad foundation of industrial, political, social and moral rights the Revolutionary War was based, and the people of the United States became a free and independent nation.

"Some differences," said Daniel Webster,* "may doubtless be traced at this day between the descendants of the early colonists of Virginia and those of New England,

* Bunker Hill Monument Oration, 1843.

owing to the different influences and different circumstances under which the respective settlements were made; but only enough to create a pleasing variety in the midst of a general family resemblance. But the habits, sentiments and objects of both soon became modified by local causes, growing out of their condition in the New World; and as this condition was essentially alike in both, and as both at once adopted the same general rules and principles of English jurisprudence, and became accustomed to the authority of representative bodies, these differences gradually diminished. They disappeared by the progress of time and the influence of intercourse. The necessity of some degree of union and co-operation to defend themselves against the savage tribes tended to excite in them mutual respect and regard. They fought together in the wars against France. The great and common cause of the Revolution bound them to one another by new links of brotherhood; and at length the present constitution of government united them happily and gloriously to form the great republic of the world, and bound up their interests and fortunes, till the whole earth sees that there is now for them in present possession as well as in future hope but 'One Country, One Constitution, and One Destiny.'"

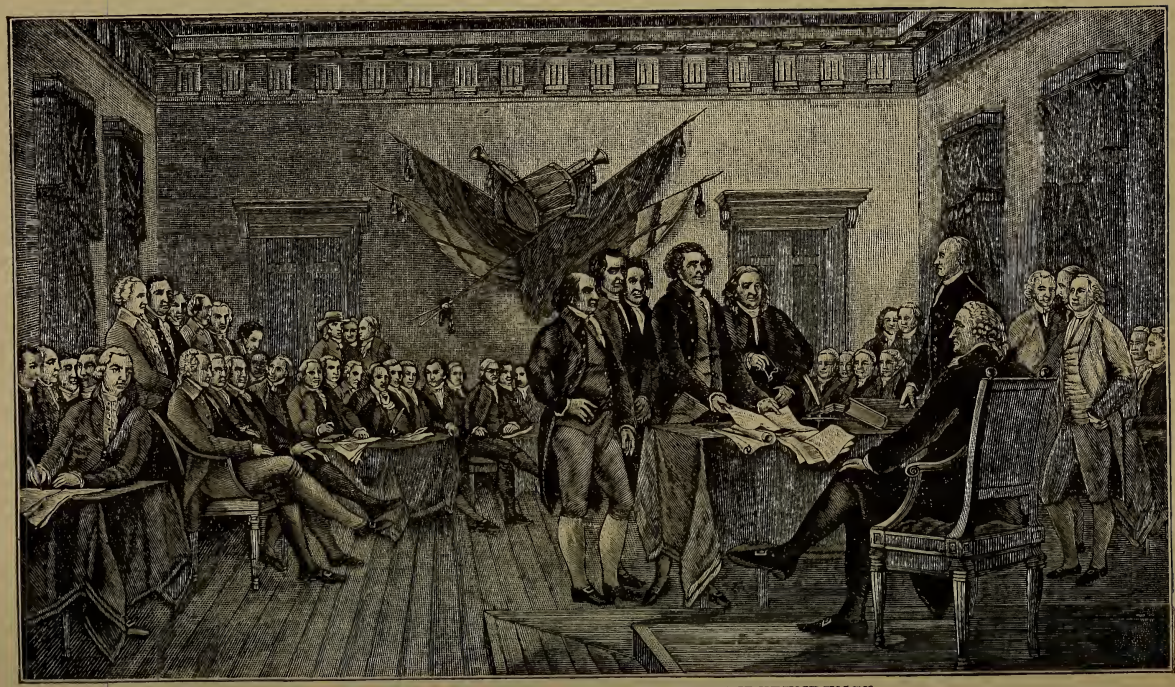
CHAPTER V.

THE AMERICAN CONSTITUTIONS.

101. The First Congress.—The causes which led to the American Revolution are set forth in the Declaration of Independence. On the 5th of September, 1774, the first Congress assembled at Philadelphia. Its delegates were appointed by the lower house of the colonial legislatures or chosen by popular conventions. This Congress organized a revolutionary government, and based its authority directly upon the *people* as a *nation.* All of its acts were of a national character. It forbade the importation or exportation of merchandise to and from England, and it passed a Bill of Rights very much like the famous English bill of 1688.

102. The Second Congress.—On May 10, 1775, the second Congress met; the majority of its members were chosen by conventions directly elected by the people. It took into consideration the whole nation; it organized an army and navy; adopted a monetary system or Treasury Department; established a Post-office Department; and issued the Declaration of Independence.

103. State Constitutions Recommended.—On the 10th of May, 1776, Congress recommended each colony to organize a State government, or, in the quaint and expressive language of the recommendation, "to take up civil government." Eleven colonies proceeded to do this by framing their first State constitutions. Rhode Island and Connecticut continued under their old charters, for they thought their long-established free government sufficient for their wants.



62 THE ADOPTION OF THE DECLARATION OF INDEPENDENCE.

104. The Declaration of Independence and the Articles of Confederation.—On the 11th of June, Congress chose two committees to prepare two important acts —the Declaration of Independence and the Articles of Confederation and of Perpetual Union. The Declaration was published July 4, 1776; it was the expression of ideas and opinions held by thoughtful Americans from Maine to Georgia, and was quickly written and unanimously adopted. It is the enduring fame of Thomas Jefferson that he caught the spirit of the people and expressed their wishes so perfectly in this famous state paper. The Declaration is admired for its sentiments, its language, its orderly arrangement, and its humanity. It is the one state paper most frequently quoted among civilized nations, and ranks in the history of the Anglo-Saxon race with the Great Charter of 1215.

Four days after their appointment the members of the other committee reported the Articles of Confederation and Perpetual Union, but nearly five years passed before they were adopted. Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia and South Carolina ratified them July 9, 1778; North Carolina, July 21, 1778; Georgia, July 24, 1778; New Jersey, November 26, 1778; Delaware, February 22, 1779; and Maryland, March 1, 1781.

105. The Revolutionary Government.—All agreed in the Declaration; few agreed concerning the Articles. The States were strangers to each other, jealous, and hard pressed by the ravages of war. The new government was provisional and revolutionary, and struggled along as well as it could. But when the States had ratified the Articles the government was no better, no stronger. It has been described as bad from beginning to end.

106. Character of the Confederation.—The Congress of the Confederation consisted of one legislative body instead of two, with which the people were more

familiar in their State governments. It was presided over by a president annually elected by the members from among their own number. Each State might send not less than two nor more than seven delegates, chosen yearly, and no member could serve more than three years out of six. There were only thirteen votes in Congress, as all voting was by States. Measures of highest importance required the unanimous consent of all the States; less important measures could be framed by nine States; but ordinary legislation was usually controlled by five or six votes. *The Congress was, in fact, a committee of the States.*

107. Powers of Congress.—The real powers of Congress were few. It could declare war, make peace, issue bills of credit, maintain an army and navy, borrow money, make treaties of commerce and alliance with foreign nations, and settle disputes between the States.

But it had no power to enforce a single act that it might pass. It could not levy taxes nor collect a revenue. Its authority was nominal; it depended upon the States for its revenue and for the execution of its recommendations.

108. How the People regarded Congress.—In order to change or amend the Articles the unanimous consent of the States was necessary, and this consent was never obtained. It followed that the States outranked the Confederation in the estimation of the people. The States toward the close of the war quite ignored Congress, and contemptuous expressions regarding it became common. Any government in contempt is dying.

109. State Supremacy.—As the Confederation had no power to compel individuals to obey its laws, the States paid no attention to its requests, and acted as independent nations rather than co-ordinate parts of a great nation. America was a country of thirteen little governments having a central committee under contempt.

110. The Apathy of the People Increases.—After the war people took less interest in the Confederation, and

a larger interest in their own several States, than before. Able men declined election to Congress, preferring to hold office in their own State. One State passed laws injurious to another. Europe looked upon America as the country with fourteen republics about to make war upon each other. England would not make a trade-treaty with the United States, and, as there were no factories in America, British goods in vast quantities came over and American coin was shipped to England in payment. America had no credit abroad, and bills of exchange and other transfers of credit were unknown; the actual coin was shipped away.

The country was stripped of money, and the people began to complain of industrial depression and hard times. The coin in circulation consisted of odd pieces from every European country, with some new American pieces made from other coins.

111. Paper Money.—The United States and the several States, having no coin, began to issue paper money. By the Articles the States had no authority to issue bills of credit, but Congress could not restrain the States. The paper money was rudely printed and easily and successfully counterfeited. It was printed in such immense quantities that it had but little value. A barrel of flour cost $1575; John Adams paid $2000 for a suit of clothes.*

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* As an illustration of the worthlessness of paper money in 1781, the following copy of an original bill of that year made in Philadelphia is interesting:

Col. A. McLane — Bo't of W. Nicoll,

1 pair boots	$600.00
6 3-4ths yds. calico at $85 per yd.	573.75
6 yds. chintz at $150 per yd.	900.00
4 1-2hlf yds. moreen at $100	450.00
4 handkerchiefs at $100	400.00
8 yds. quality binding at $4	32.00
1 skein of silk	10.00
	$2,965.75

If paid in specie, £18 10s.

Congress asked the States to cease printing paper money and give the exclusive right of doing so to the Confederation. The States refused.

112. Effect of Bad Money.—Bad money bred bad debts and bad laws. Open rebellion raged in Massachusetts on account of the evils incident to paper money and a ruined commerce. Congress issued paper money called Continentals, but it was of less value than the paper money issued by the States, because the Confederation had no property as security for its issues.* The industrial condition of the country seemed hopeless. At last, as a relief, Congress asked the States to amend the Articles of Confederation so as to authorize Congress to tax the nation, collect a national revenue, and expend it in paying the principal and the interest of the public debt created by the war. Twelve States consented; Rhode Island refused, and the measure failed. Then Congress asked the States to allow it to levy duties on imported articles and thus obtain a national revenue for national purposes. Twelve States consented; New York refused, and the measure failed. Then Congress, in desperation, asked permission to regulate the trade of the country for twenty-five years for national purposes. Twelve States agreed; New York refused, and the last hope of giving stability to the Confederation was gone. In fact, there was no United States government. But the States continued to issue more paper money; Congress repudiated the national debt and the States repudiated their debts. The entire country was bankrupt.

113. Anarchy Threatens America.—Armed mobs prevented the sittings of the courts in Massachusetts. Blood was shed in Rhode Island when the sheriffs attempted to compel creditors to accept paper money. The governors of Rhode Island and Vermont openly fav-

* Hence the expression, "Not worth a Continental."

ored the rebellion in Massachusetts. Congress could with difficulty gather a quorum of its members for public business. The people seemed blind to their moral duties and obligations. Ordinary contracts between man and man were not performed, and private and public faith seemed alike broken.

114. Congress Confesses its Helplessness.—At last, on the 15th of February, 1786, the committee appointed by Congress out of its own body to take into consideration the state of the Union made a remarkable report:

"The States have failed to come up to their requisitions. The public embarrassments are daily increasing. It is the instant duty of Congress to declare most explicitly that the crisis has arrived when the people of the United States, by whose will and for whose benefit the Federal government has been instituted, must speedily decide whether they will support their rank as a nation by maintaining the public faith at home and abroad, and by a timely exertion in establishing a general revenue strengthen the Confederation, and no longer hazard, not only the existence of the Union, but also the existence of those great and invaluable rights for which they have so arduously and honorably contended."

The helplessness of Congress, the bankruptcy of the country, the collapse of the United States government were thus solemnly and publicly confessed to the world. At this time the revenue of the United States government in five months had been only one-fourth of the amount needed to support the government for a single day.

115. What Others Thought of America.—The English minister, Temple, wrote home: "The trade and navigation of the States appear to be now at a standstill." The French minister, Otto, wrote home: "It is necessary either to dissolve the Confederation, or to give to Congress means proportional to its wants. It calls upon the States for the last time to act as a nation; all its resources are exhausted;

the present crisis concerns solely the existence of Congress and of the Confederation."

116. Discussions at Home.—The newspapers were full of schemes for remedying the bad times. Pamphlets on the subject abounded. Clergymen preached political sermons. Lawyers, merchants, farmers, laborers—everybody was talking about the interests and rights of trade, finance and civil government.

117. Light after Darkness.—It was now that the long political training of the people during colonial times prepared the way toward a solution of the grave industrial, financial and political problems of the hour. The nation proceeded to form a national government. But the States had already taken up civil government and framed constitutions.

118. The First State Constitutions.—When the States took up civil government the royal governments passed away. The popular assembly in each colony immediately took measures for organizing a new State government on the foundations which we have already examined.

Each State responded to the suggestion of Congress, and the first State constitutions were framed as follows:

Virginia, June 29, 1776; New Jersey, July 2, 1776; Maryland, August 14, 1776; Delaware, September 21, 1776; Pennsylvania, September 28, 1776; North Carolina, December 18, 1776; Georgia, February 5, 1777; New York, April 20, 1777; Vermont, July 2, 1777; South Carolina, March 19, 1778; Massachusetts, March 2, 1780; New Hampshire, June 2, 1784; Connecticut, under its old charter of April 20, 1662; Rhode Island, under its charter of July 8, 1663.

With some minor differences these constitutions provided—

A Bill of Rights;
An Executive Department;
A Legislative Department;
A Judiciary Department.

The three departments were not so distinct as at the present time. This was due to the colonial customs already outlined.

119. The Executive.—The executive was called the president in Pennsylvania, Delaware, South Carolina and New Hampshire; in other States, the governor. He represented the unity of the people of the State, and was responsible to them.

120. The Legislature.—The plan of having two houses prevailed in each State except in Pennsylvania and Georgia. The upper house was called the Senate in Virginia, Maryland, North Carolina, South Carolina, New York, Massachusetts, New Hampshire, Connecticut and Rhode Island; it was known as the Council in New Jersey, Delaware and Vermont. The lower house was called the House of Representatives in Massachusetts, New Hampshire, Connecticut, Rhode Island and Vermont. It was known as the Assembly in Pennsylvania, New Jersey, Delaware, Georgia, New York, South Carolina; as the House of Delegates in Virginia and Maryland; and in North Carolina as the House of Commons.

The term of office of the members of the upper house of the legislature was longer than the term in the lower house. The upper house represented the districts or groups of counties; the lower house represented the people in their local interests. The members of the lower house were elected annually, and had the exclusive right to levy taxes and make appropriations by money bills. The two houses were a check, each upon the other. The lower house had much likeness to the House of Commons in England.

121. The Judiciary.—The judicial department consisted of a supreme court and of one or more lower courts; some States provided a court of appeals of higher authority than the supreme court.

122. Qualifications of the Executive.—The quali-

fications of the executive, like those of the electors, were those of (1) age, (2) residence in the State, (3) property, (4) religious belief.

Age.—The age usually required for the executive was thirty-five years.

Residence.—He was required to have resided in the State for at least one year, and usually for three years; South Carolina (1778) required a ten years' residence.

Property.—He was required to possess real or personal property to the amount of £10,000 in New Jersey; £1000 in North Carolina; £10,000 in South Carolina (1778); £250 or 250 acres of land in Georgia; £500 in New Hampshire; £5000 in Maryland, of which £1000 were required to be in land; real estate in Delaware; real estate in New York of £100; in Rhode Island of $134; and in Massachusetts of £1000; and in Connecticut real estate of the yearly value of $7.

Religious Opinions.—The executive and all other officers in the State were required to subscribe to certain religious opinions:

To the Protestant religion in New Jersey, New Hampshire, Vermont, Connecticut and South Carolina.

To the Christian religion in Maryland and Massachusetts.

To the Trinity and the inspiration of the Scriptures in Delaware.

To the Protestant religion and the divine authority of the Scriptures in North Carolina.

To the belief in one God, in the reward of good and the punishment of evil and the inspiration of the Scriptures in Pennsylvania.

No restrictions prevailed in New York, Virginia, Georgia and Rhode Island, but the Protestant faith was predominant in those States.

Clergymen were not eligible to civil offices in Delaware, Georgia, Maryland, New York, North Carolina and South

Carolina (1778). This ineligibility still prevails in Delaware, Maryland, Kentucky and Tennessee.

123. The Judiciary Appointed.—The judges were not elected by the people, but were appointed by the executive or elected by the joint ballot of the two branches of the legislature. They usually held office during good behavior, but in New York a judge retired from the bench when he had attained the age of sixty years. A justice of the Supreme Court of the United States may retire on full pay after ten years' service on the bench.

124. The Citizen.—The status of the citizens living under these constitutions is of great interest. The first constitutions, with the exception of that of Massachusetts, went into force without being ratified by the people of the States. They were adopted by the conventions or the legislatures that framed them, and proclaimed to the world as thereby being in authority.

The voting citizens were few in number; they were technically called *electors*, as they are at the present day.

125. Qualifications of the Elector.—*Age.*—Each State required an elector to be twenty-one years of age. Only white men voted in the South; in the North, occasionally a negro was permitted to become an elector.

Residence.—He was required to reside at least one year in the State, and six months in the district where he wished to vote.

Property.—He was required to possess property as follows: £50 in New Jersey; 50 acres of land in Maryland; a freehold estate in Delaware; 50 acres of land in North Carolina; $10, or being of any mechanic trade, in Georgia; £20 in freehold estate to be an elector of a member of assembly, and £100 to be an elector of State senator, in New York; 50 acres of land in South Carolina; £60 freehold estate or an annual income of £3 in Massachusetts; a freehold estate of the yearly value of $7 in Connecticut; $134 in real estate in Rhode Island. In Vir-

ginia and Pennsylvania he was required to be a freeholder, and in New Hampshire and Vermont a payer of a poll-tax. In each State the elector had to pay a property tax.

Vermont was the only State making provision for the naturalization of foreigners.

Religion.—The religious qualifications were the same for an elector as for the executive.

126. The Suffrage Limited.—From this outline of the first American State constitutions we discover that the elective franchise was limited to a few persons. The greatest change that has been made in the franchise in America is its extension to all men who possess the qualifications of age, residence, and, in six States, the payment of a poll-tax. The progress of democracy in America has swept away all other qualifications; men now vote because they are men.

In 1786 the country was bankrupt. Money was obtained with extreme difficulty. Hundreds of men were prevented from being electors by their poverty. It is difficult to ascertain the exact number of electors in the country at that time; it was probably less than 150,000.*

127. How Relief Came.—Maryland and Virginia had equal rights to the use of the Potomac River, and they appointed a commission to settle all disputes touching the jurisdiction, commerce and navigation of the river. The joint commission met at Mount Vernon in 1785, but there were many questions which the commission hesitated to attempt to settle. Pennsylvania was interested in the Potomac. If Maryland, Virginia and Pennsylvania were interested in a general system for regulating the trade of this one river of the land, were not all the States for a similar reason interested for a national system of trade, commerce and finance? Virginia took the lead, and sent letters to the other States inviting them to send delegates to

* At present more than 12,000,000.

a Trade Convention at Annapolis in September, 1786. Virginia, Delaware, Pennsylvania, New Jersey and New York met and spent two days talking about the state of the nation, the poverty of the country, the discontents and complaints of the people, and the necessity of giving adequate powers to Congress. They wrote letters to the absent States and suggested a convention of all the States at Philadelphia in May, 1787, to take into consideration the state of the Union. Congress approved of the convention February 21, 1787, and Massachusetts on the following day; but seven States had already chosen delegates. Virginia had taken the lead, and had elected her first citizen, Washington, and, among others, James Madison, destined to become the most influential man in the convention. Rhode Island alone of all the States refused to attend; but by the 25th of May a quorum of delegates had met in the State-House in Philadelphia, in the same room in which some of the members of the convention had signed the Declaration of Independence eleven years before. Washington was unanimously chosen president of the convention; the roll was called; nine States responded to their names; the doors were closed; a pledge of secrecy was taken by the members; and during the long summer these distinguished men labored to frame the Constitution of the United States. They completed their labors on the 17th of September, 1787 — an event celebrated with imposing ceremonies by the people of the United States in Philadelphia a century later.

128. The Character of the Constitutional Convention.—The convention which framed the Constitution of the United States was undoubtedly the most celebrated gathering of able men ever seen in America. Every member was famed for some lofty achievement. Of the thirty-nine members of the convention who subscribed their names to the Constitution, Sherman, Read, Franklin, Wilson and Robert Morris had signed the Declaration of In-

STATE-HOUSE IN PHILADELPHIA, WHERE THE CONSTITUTIONAL CONVENTION MET.

74 *From a Print of the Time.*

dependence; Washington became the first and Madison the fourth President of the United States; Rutledge and Ellsworth became Chief-Justices; Gerry became Vice-President, and Hamilton the first Secretary of the Treasury; Johnson was a doctor of laws; Sherman, a great lawyer and once a shoemaker; Livingston had been eleven times governor of his State; Wilson, the ablest constitutional lawyer in the convention, famed in four universities, and professor in the University of Pennsylvania; Gouverneur Morris, who on the last day of the session reduced the Constitution to the form with which we are acquainted; and Franklin, the learned, practical diplomat, an octogenarian, completing a life of splendid fame by the gift of his long political experience to his country at the most critical period of her history.

129. The Constitution a Compromise.—Several plans for a national government were presented to the convention. We know from the debates of the convention, published half a century later, that conflicting ideas were harmonized and that the Constitution was made possible by *compromises.* The principal compromises were concerning the executive, representation by States and by the people, and slavery.

130. The Constitution an Outgrowth of American Political Experience.—The Constitution was not framed at a single stroke; it was the result of long political experience in America. Had it been entirely new, the people would not have accepted it. In fact, it was adopted only after the greatest activity of its friends and by a minority of the people. It was not understood at the time nor for many years afterward. It has been variously interpreted by political parties in power. The principal provisions of the United States Constitution with which the people were already familiar were—

1. The division of the government into executive, legislative and judiciary departments. In the Federal Consti-

tution this separation of powers is more complete than the States had previously known.

2. The title of the executive, "President," was familiar to the people of Pennsylvania, Delaware, South Carolina and New Hampshire, and had been used to describe the chief officer in the old Confederation.

3. The national legislature was called "Congress," a name already familiar to all the people.

The upper house, representing the States, was called the Senate, a term familiar to the people of Virginia, Maryland, North Carolina, New York, Massachusetts, New Hampshire, Connecticut and Rhode Island.

The lower house, called the House of Representatives, was called after a term long familiar to the people and used in New England.

4. The Federal judges were to be appointed by the President by and with the consent of the Senate—a method to which the people of all the States were accustomed.

5. The two years' term of office for members of the House of Representatives was a compromise from the State constitutions.

6. The system of rotation by which one-third of the Senate retired every two years prevailed in New York, Pennsylvania, Virginia and Delaware.

7. The provision for a census every ten years was suggested by the constitution of New York, according to which a census was to be taken septennially.

8. The ordinary powers of Congress were adapted from similar provisions in the State constitutions.

9. The special power of the House of Representatives to originate money bills was taken almost bodily from the constitutions of Massachusetts and New Hampshire.

10. The President's message was suggested from New York, and his veto power from Massachusetts.

11. The two methods of representation in Congress—the Senate representing the States, and the House of Repre-

sentatives the people, was modelled after the constitution of Virginia.

12. The powers given to the President were analogous to the powers of the State executive: his command of the army and navy had its precedent in all the States except Rhode Island; his pardoning power, in all except Rhode Island and Connecticut; his power to nominate persons to the Senate, in the constitution of New York; his taking the oath of office, in the constitution of each State; his filling official vacancies, in the constitution of North Carolina.

13. The office of Vice-President had its original in the deputy governor or lieutenant governor of the States, as in Delaware, Pennsylvania, New Hampshire and South Carolina, and especially in New York, where the lieutenant governor presided in the State senate without a vote, except in case of a tie.

14. The succession of the Vice-President, and, in some cases, of the Speaker of the House, to the office of President, was suggested from North Carolina.

15. The electoral college had its original in the method of choosing State senators in Maryland. The qualified voters in that State chose "two persons for their respective counties to be electors of the senate," and "the electors of the senate" chose "by ballot, either out of their own body or the people at large, fifteen senators."

131. The New Features of the Constitution.— While enlarging upon the best provisions of the State constitutions, the convention found these inadequate for all the purposes of a national government. The most important of the new provisions were—

1. The national character of the Constitution as a whole, and the ordination and establishment of it by the people of the United States.

2. The vitality, perpetuity and supremacy of the national government.

3. The creation of United States citizenship distinct from State citizenship; the freedom of United States citizenship from the limitations prevailing in the State constitutions —an element of primary importance in our civil government.

4. The direct authority of the United States government over individuals, and its independence of the States — a marked departure from the old Confederation.

5. The establishment of a Supreme Court.

6. The limitation of the powers of the States.

7. The admission of new States and Territories into the Union.

8. The regulation by Congress of commerce with foreign nations and among the several States.

9. The authority of Congress to levy and collect taxes, duties, imposts and excises for national purposes; to pay the debts, provide for the common defence and promote the general welfare of the United States. By these provisions the United States was freed from the withering and destructive restrictions to which the old Confederation had been subjected, and the nation entered at once upon a career of prosperity unparalleled in history.

132. Ratification of the Constitution.—The Constitution, which was transmitted to each State by Congress, provided that the new government should go into effect upon the ratification of it by conventions of the people of nine States. The order of its ratification by these conventions is as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December, 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; Rhode Island, May 29, 1790.

The adoption or rejection of the Constitution was for

months uncertain. The votes of Delaware, New Jersey and of the smaller States generally were unanimous in its favor; Connecticut and Georgia approved it by large majorities, but in the remaining States the opposition was strong. A change of 2 out of 60 votes in New York, of 5 out of 168 votes in Virginia and of 10 out of 355 votes in Massachusetts, on the final ballots, would have been enough to reject the Constitution and to throw the country back into political chaos.

133. The United States.—On the 4th of March, 1789, the people of the United States began the present national government. On the 30th of the following April, Washington took the oath of office and began the long line of administrations into which, by our Constitution, our political history is divided.

134. The President's Cabinet.—The Constitution makes no provision for a Cabinet, but Washington, following the precedents in the State governments, called to assist him in executive work several eminent men. These and their successors have constituted the Cabinet. The executive departments which have grown up in the government are:—

The Department of State, originally called the Department of Foreign Affairs;
The Treasury Department;
The War Department;
The Navy Department;
The Post-Office Department;
The Department of the Interior;
The Department of Justice;
The Department of Agriculture.

135. Amendments to the Constitution.—The people were not satisfied with the new Constitution, because it did not contain a Bill of Rights securing to them those "ancient and undoubted rights" for which the Anglo-Saxon race had been contending a thousand years. Therefore in

the first session of the first Congress under the new Constitution the representatives of the people proposed amendments embodying the provisions found in the Bills of Rights of twelve of the State constitutions. So important did the people consider these amendments that Congress was flooded with them: Massachusetts proposed 9; South Carolina, 4; New Hampshire, 12; Virginia, 20; New York, 56; North Carolina, 26; Pennsylvania, 14; Maryland, 28—or 169 in all. The first Congress adopted twelve of the proposed amendments, many of which were repetitions of others, of which ten were ratified by the people and declared in force December 15, 1791. These ten agree with those proposed by Pennsylvania. The eleventh amendment was declared in force January 8, 1798; the twelfth, September 25, 1804; the thirteenth, December 18, 1865; the fourteenth, July 28, 1868; and the fifteenth, March 30, 1870.

These amendments are of inestimable importance to the citizen of the United States because they declare his civil rights under the Constitution.

136. The First Census.—Soon after the inauguration of Washington the first census was taken. Each successive decade the people have been counted. The admission of new States keeps pace with the westernmost wave of population, and the creation of new Territories keeps just ahead of this wave.

137. Westward Movement of Population.—The old thirteen States are the parents of all the States west of them. There is a larger New England west of New England, a larger Virginia west of Virginia. Not only have State constitutions moved westward with the people, but opinions, beliefs, characteristics, morals, industries, habits of daily life, stories and anecdotes, educational systems, styles of building, systems of law, of public roads and of public charities, religious views, names of towns, cities and counties, have moved westward also.

Any one who would understand the government of the people of the United States must understand the great law of migration: *similar civil institutions follow lines of equal temperature.* The customs and opinions prevailing in North Carolina and Georgia are not found in the North-west, nor are the customs and opinions of New England found in the South-west. Kansas was the common ground where these diverse customs and antagonistic opinions met, and there a great struggle began—the struggle between slavery and freedom. Freedom triumphed, and the two currents have harmoniously blended in the great stream of national prosperity.

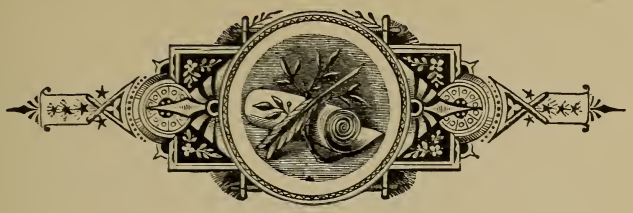
138. Admission of New States.—With the increase of population and the accession of land new Territories have been created and new States admitted into the Union on an equal footing with the older States. Each State at the time of its admission has framed a State constitution in harmony with the Constitution of the United States. Most of the States have revised their first constitutions, and with each revision the restrictions of the rights of the citizen and the limitations regarding electors have one by one disappeared.

139. The Later State Constitutions.—The later State constitutions are longer, more definite and more complex than the early constitutions. They resemble codes of laws, rather than formal statements of fundamental principles of government. This change in the character of our constitutions is due to the interpretation of the many interests of the people by State constitutional conventions. At the time of the framing of the first State constitutions few roads, and no canals, railroads or steamship lines, existed. Half a century passed before the people learned the nature of banks, corporations and trust companies. The Bills of Rights still remain essentially unchanged, but the interpretation of those rights in legislative, executive and judiciary provisions presents a

pleasing proof of the amelioration of government in this country during the century. The elaboration of the principles of tripartite government resting upon the will of the people has been carried into almost bewildering details. The sessions of legislature, the powers of each house, the manner of passing bills, the limitations of law-makers and law-making, and the common provision of our day against special legislation,—indicate the tendency in the later constitutions to curtail the power of the legislature. Formerly the governor was feared; now he is trusted as the last hope in preventing hasty or vicious legislation. The constitutions framed since 1865 usually invest the governor with the power to veto any item of a bill appropriating money. In the later constitutions are provisions on taxation, finance, sinking funds, public debts, railroads, mining, public lands, irrigation, public health, forestry, public institutions, the rights of married women, homesteads, exemptions, and other subjects, few of which are mentioned in the State constitutions of a century ago. Education was then scarcely referred to; in the later constitutions generous provision for education is made by the State in schools and universities. The militia, the organization of counties and cities, and the government of municipalities—the latter of vast importance—are now considered in detail.

About one hundred and thirty State constitutions have been framed in conventions, and adopted at different times by the people of the various States since 1776. By these, considered as a whole, the powers of the legislature have been diminished, the powers of the executive have been increased, and the judiciary has become an elective body. All the State constitutions framed since 1789 show the influence of the Constitution of the United States.*

* See page 294.



PART II.

LOCAL GOVERNMENT.

God rules in the affairs of men.—GARFIELD.

Government, of the People, by the People, for the People.—LINCOLN.

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes.—JEFFERSON.

The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.—WASHINGTON.

CHAPTER I.

THE PEOPLE AND THEIR HOME AFFAIRS: THE TOWNSHIP, COUNTY, CITY, STATE AND TERRITORY.

140. Local History.—Every American community has an interesting local history which assists us in understanding the character of that community. The natives of a State, as of New York or of Virginia, have settled and organized communities, townships, parishes, counties and States west of the parent State. Foreign elements have joined with native American elements in new States. The early settlers in a community largely determine its subsequent history. They sometimes start industries by which a locality prospers and becomes widely known. At Salina (now Syracuse), New York, they began the production of salt, to which that city owes its prosperity. The early development of natural resources often explains peculiarities in local customs and opinions. Communities in which institutions of learning were early established, and which have been adequately supported, become refined, progressive and wealthy. Ignorant and idle communities are vicious and lawless, and ultimately disappear.

141. Political Parties.—As soon as the United States government was organized the people began to have different ideas about their rights and duties under the Constitution. Thus originated political parties among us. The Constitution says nothing about political parties, but they have from time to time sprung up in the country, and have interpreted the Constitution in different ways,

and principally in two ways: (1) *a strict or literal construction*, denying all that is not specifically set forth and provided in plain words in the Constitution; (2) *a liberal or generous construction*, allowing all that is necessary to promote the general welfare of the country, and interpreting the Constitution in its spirit rather than by its words. *These two ideas lie at the foundation of political life and civil government in this country.**

142. Election Day.—Once a year the citizens who are electors make their choice of public officers according to law. On this day more men are seen on the street than is usual; printed slips of paper called ballots are distributed conveniently in public places, where the elector may obtain one that suits him. If he prefers, he may write his own ballot or ticket. An examination of the tickets shows that there are two or more sets, each set having the same list of offices, but a different list of candidates. These names of offices and of candidates are printed with accuracy by authority of a convention or caucus composed of delegates chosen by the electors.

143. The Nominating Convention or Caucus.—Some one has said that the only king in America is King Caucus. For several weeks before a local election, and for several months before a national election, the people talk about candidates for office and party politics. The newspapers are the usual means for the expression of political opinions, but the newspapers always follow the people and represent their views. Two elements are constant in politics—men and measures. We understand by this that the principles of a political party, and the chief men who advocate these principles, are the chief objects of political

* For instance, the Constitution says nothing about a bank. One political party opposed the establishment of a United States bank; the other party favored the founding of such a bank, because it would promote the general welfare.

interest to the people. Sometimes more electors will vote for a political measure or principle than for a man.

At last the leading men of a political party give notice to the community that at a certain time and place a party convention or caucus will be held for the purpose of selecting candidates and arranging for the approaching election. Each party manages its own caucus somewhat in secret and excludes members of other political parties. The caucus is therefore a convention of men of the same political faith assembled for the purpose of nominating candidates for office and taking measures to have the ideas of their party triumph at the polls.

144. Business of the Caucus.—The caucus is called to order, and a chairman, a secretary and two tellers are chosen. The members of the political party present represent the whole party, and proceed to nominate candidates for public offices, beginning with the highest and ending with the humblest on the list. The caucus usually votes by ballot, and the chairman by means of the tellers declares the result of each ballot. Sometimes there is a difference among the members about making nominations; if this difference cannot be compromised, there is said to be a "split" in the caucus. But usually each nominee obtains the unanimous voice of the caucus. If the split is serious, the dissatisfied members of the party call a caucus among themselves and nominate a ticket to their liking. All members of the party are expected to support the nominees of the "regular" party caucus. A person who runs for office without a caucus nomination is called an independent candidate. The candidates and their friends contribute money for a "campaign fund," a name given to the money that is used before election for the purpose of securing the victory of the party over other parties. This fund prints the tickets, except in a few States in which the law provides for the printing of tickets at the expense of the people of the State.

145. Benefits of the Caucus.—The caucus is outside of the control of the laws; it represents the liberty of the citizens to assemble peaceably for the transaction of any business in which they are interested. It originated in New England at the suggestion of Samuel Adams, and, with some modifications, has spread over the entire country. When honestly conducted the caucus is a simple means for ascertaining the wishes of the people in the nomination of public servants. It is the strongest bond of party union and the longest lever of political machinery known in America.*

146. Evils of the Caucus.—By the abuse of liberty politics becomes a trade. Political bargains are struck between men who by their peculiar influence are able to bring out a strong vote for or against a candidate. In the caucus political influence is paramount. This influence is generally legitimate, but when men, called "bosses," use money or improper influences to carry the election, the caucus is the place where they concentrate their efforts. At their hands the "campaign fund," raised by the party for the purpose of employing political speakers, of hiring space in newspapers, of organizing political meetings, parades and other influences in the interest of the party, is sometimes deflected from its proper use and expended in buying votes. Electors may be found who are willing to sell their votes to the highest bidder, not realizing the immorality and the dan-

* The members of the same political party in a State legislature or in Congress sometimes assemble for the purpose of deciding what course to pursue, as a party, in dealing with a legislative measure before the Senate or the House. This informal yet secret meeting is called a party caucus. From 1797 until 1832 the candidates for President of the United States were nominated in a party caucus composed of members of the United States Senate and House of Representatives, but this method was not satisfactory to the people, because it placed the nomination in the hands of a few leading politicians. It was abandoned for the present method of the national convention.

ger of such political corruption. An elector who will sell his vote is as faithless and dangerous a citizen as the unscrupulous political "boss" who purchases it: political corruption is the consequence of their wrong-doing.

The evils of the caucus are far outweighed by its advantages, and are the exception, not the rule, in the United States.

147. The Evils Must be Remedied.—Sometimes the people rise up against the bosses and overthrow them by rejecting the nominees of the caucus and electing others more to their liking. As our entire political system of free government in this country starts in the caucus, it is absolutely necessary for the welfare of the people, both in local and in national affairs, that the caucus be kept just and pure. The responsibility of the citizen in such a government as ours requires him to be very bold, very just and very persistent in his demands for the purity of all political management. The subject is of the greatest practical importance, and touches every right of the citizen, industrial, political, social and moral. *It cannot be too plainly understood that the demoralization of our politics means the ruin of our liberties, the overthrow of our institutions and our extinction as a nation.* The remedy for our political evils consists in an active sense of justice and an earnest demand for political honesty by every citizen of the Republic.

148. The Campaign.—After the nominations are made and publicly announced the campaign begins. Each party uses every means in its power for victory over its opponents. The individual is lost in the party; the party is lost in its principles. The whole country divides into two great political camps. Enthusiastic party-men join in brilliant party parades and spectacles of various kinds. Party cries are heard on every side. Curious objects suddenly assume political importance, as in the Harrison-Van Buren campaign coon-skins and hard cider stood for

one of the parties, and in the first Lincoln campaign a fence-rail represented powerful political principles. In local elections the excitement is usually small, but sometimes a brilliant campaign in a single State is the beginning of a national campaign. The election of Grover Cleveland as governor of New York by a majority of one hundred and ninety-two thousand votes led to his nomination in convention and his election to the Presidency of the United States. The activity of the newspapers and of the politicians and the general intelligence of the electors tend to keep the people familiar with the political issues of the day and the principles involved in our government, both local and national.

149. The Voting.—The election of public officers is the lawful choice of them by the qualified voters. The elective franchise is now very free; property qualifications have been abolished. The causes that led to this abolition are curious. Parties or candidates sometimes paid the taxes of unqualified citizens who would vote for them, and if the possession of real estate was a qualification for voting, land was conveyed to these unqualified voters, and deeded back again after the election. Long before the laws were changed the property qualifications of American citizens had become empty forms.*

150. The Electors or Voting Citizens.—The right to vote is regulated by the constitution and laws of the several States, subject to the fifteenth amendment of the Constitution of the United States.† The qualifications of the elector vary somewhat in different States, but all the States require the elector to be of sound mind, of the age of twenty-one years or more, and to be a resident in the State, county, township, city, ward or polling district where he offers his vote. Some States require the payment of a tax; others require the ability to read or write.

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* See Table, p. 290.

† See page 286.

Some of the States do not require the elector to be a citizen of the United States." *

151. Women Electors.—Women have the right to vote at all elections in Colorado, Idaho, Utah and Wyoming. In some form, mainly as to taxation or the selection of school officers, woman suffrage exists in a limited way in Arizona, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Vermont, Washington and Wisconsin.

152. The Polling-Place.—The polling-place is fixed by law; it is the place for depositing the ballots of the electors. It is the one place in the United States where "all men are equal;" one vote counts as much as another. Each elector here mingles with his political peers, and by his ballot endeavors to impress upon the State or nation his own ideas or those of his party. This is the place where the character of our government, both local and national, is determined. Our entire civil structure depends upon the opinions of the electors. The polling-place is under the protection of specific laws passed for the purpose of maintaining the purity and honesty of elections.†

153. The Right to Vote may be Lost.—The right to vote is lost upon conviction of such crimes as treason, murder, forgery, bribery, larceny, duelling, election misdemeanors, embezzlement of public funds, malfeasance in office, and the giving or receiving of money or gifts to influence elections.

154. The Party at the Polls.—Men of the same party vote the same ticket. If they are a majority of the electors, they elect their candidate; disputed elections in the case of local officers or of State officers are decided by the

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* See p. 293. † See p. 300.

courts; if the dispute concerns an election of a member of the State legislature, it is decided by the legislature itself. The Congress of the United States decides as to the election of members of Congress. The party victorious at the polls becomes the "*administration*" or the party in power.* The ideas of the party soon find expression in legislation and affect all the rights, interests and duties of the people. This effect of party administration may be local, State or Federal. If the effect of the party's administration of the government is believed by the people to be injurious to their interests, subsequent elections change the administration and commit the government to other men. In this way, by frequent elections, public servants are compelled to account to the people for their conduct in office. The electors who elect a man to office are called his "constituency," because they constitute his political support. A constituency may be local, State or national. The only man in American history who had a national constituency was Washington: he was twice unanimously elected to the Presidency, with no opposing candidate.

155. Election Officers.—Each election of public officers is under the care of election officers. They are administrative officers only; their duty is to conduct the election according to the laws of the State. A judge of

* After the installation of a party in power, changes are made by it in the officeholders. Officials not belonging to the administration are displaced, and the offices are given to the friends of the administration. A great party is usually composed of factions. The leaders of these factions make political bargains by which the offices are divided among the factions. All political parties in the United States act on the principle "To the victors belong the spoils." In order to prevent the evils of the "spoils system" civil-service examinations for government appointments have been advocated, which has led to the inauguration of our civil-service reform. Applicants for government positions in all the departments are now required to pass written examinations, and from those found qualified the appointments are made.

election and two inspectors, one from each of the two most powerful parties, preside during the election and determine the admission or the rejection of the votes that are offered. All qualified voters must have been previously registered, except when they offer to vote for the first time on becoming of age. Proofs of qualification are required of all voters at the discretion of the judge of election.

156. Counting the Votes.—The time of election is usually from sunrise to sunset. At the closing of the polls the vote is officially counted and recorded, and a correct report, made in form required by law, is sent to the court of the county. This report is called *the return.* The return is usually recorded in the county court as a part of the county records. It is the property of the State. The official count of the votes is also exposed publicly, according to law, for the inspection of the people.

157. The Officer Elect.—The person receiving the highest number of votes is elected to the office to which he was nominated. At a certain time he takes the oath of office, swearing or affirming fealty to the United States and to the State in which he lives if he is elected to a local or State office; but if chosen to a Federal office he takes only the oath to support the Constitution of the United States. The usual form of an oath is: "I promise to support the Constitution and laws of the United States, the constitution and laws of the State of ———, and to perform the duties of my office to the best of my ability, so help me God." The office is then turned over to him by the retiring officer.

The Township and the Town.

158. Township or Town Offices.—In a town the officers annually chosen are usually the justice of the peace, the constable or chief of police, the supervisor of roads, the directors or commissioners of schools, the

mayor, moderator or burgess, the council or selectmen, the town clerk, the assessor of taxes, the tax-collector, the town treasurer, the election officers, and the auditors of public financial affairs.*

159. The Justice of the Peace.—The humblest court in the land, the court upon which all other courts are founded, and the court of greatest antiquity, is the justice's court. The justice of the peace presides in this court and hears and determines suits at law. These suits are of every character growing out of the interests and disputes constantly arising in society. Usually suits in which the value in dispute is one hundred dollars or less are decided in a justice's court. From this court the parties may appeal to a higher court until, if the law allows, the highest court in the land may at last decide the case. Sometimes the justice of the peace is empowered to perform in the town or township the duties of the coroner. In some States the justice is appointed and commissioned by the governor of the State.

160. The Constable.—The constable is an officer of

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* The terms *township* and *town* are of varying significance in the United States. In the States in which the system of government surveys has been followed a township is an extent of country six miles square, and is a division next in extent to the county. In the Middle States a town is a large village or small city, and the township a division of the county. In New England, New York and Wisconsin the town is the unit of civil organization, and the county is composed of towns, which correspond in civil affairs to the townships of most of the other States. The term *parish*, used in some of the Southern States, has the significance of *town* in New England and of *township* in the Western States. In Louisiana the county is known as the parish.

The names, number and duties of town, township, city, county and State officers vary in the United States, and it is left to the teacher to explain whether in a given locality the officer is appointed or elected, and also what his duties are. Each community has officers whose duties are executive, judicial, legislative or administrative in character. The study of these duties and of the variations and peculiarities of the forms of local government may be made profitable for the class. (See p. 302.)

the court and holds an office of great antiquity. He executes the orders of the justice of the peace. His jurisdiction is called a bailiwick, and he must always act by an order of the court called a warrant. He is commissioned by the court and is responsible for the peace of the community. While acting upon the orders of the court he represents a supreme authority. If he is unable to arrest an accused person because of violence, he may call upon the *posse comitatus* to help him.* If this aid is not sufficient, he may call upon the governor of the State. If the State is unable to quell the violence, the governor may call upon the President, who shall in that case employ the armed forces of the United States for the maintenance of the laws of the State.

161. The Supervisor of Roads.—It is the duty of the road-supervisor to take care of the highways. The roads of the United States are still inferior to those of Europe. A vast amount of money, called the road-tax, is annually raised and expended upon our highways, but used in such a desultory and unscientific manner as quite to fail of its object. The country has a great and a pressing need of good highways.

162. School Directors.—The educational interests of the community are committed to a board of directors, of whom one-third are usually elected annually. The school directors are empowered by the law of the State—

1. To regulate the school term, its length and occurrence; the order of school studies; the selection of text-books; the supply of school material and furniture.

2. To employ and discharge teachers or superintendents. The authority of the teacher is similar to that of the parent. The law says that what a parent may do, a teacher also may do, so far as the teacher is by the authority of the directors placed in charge of pupils. This author-

* See ¶ 50, p. 51.

ity is given to the directors by the people at the annual local election. Pupils owe to teachers the respect due to persons acting for and by the authority of their parents.

3. In some States to levy taxes for school purposes; that is, for building school-houses and for maintaining schools.

163. The Mayor.—The community has interests as a social unit, called usually the town's interests. In olden times these interests found expression in the town's mind.* The representative of the whole community is the mayor, moderator or burgess. Although elected on a party ticket, he and all his official colleagues cease to be mere party men after election, and serve, or should serve, the people without distinction of party. The mayor usually presides in the town council, but has no right to vote unless there is a tie. It is his duty to see that the laws of local application are faithfully executed.

164. The Council, Board of Aldermen or Selectmen.—Ordinances or local laws expressly pertaining to the wants of the community are made by the representatives of the community; in the town these ordinances are passed by the council, board of aldermen or selectmen. Acts of council are of local application only, and must not conflict with the laws of the State nor of the United States. One-third of the council is usually elected annually. The interests considered by local legislators are highways, crossings, public parks and squares, public health, waterworks, bridges, public pounds, tramps, strays, dogs, fast driving, police system of the town, public buildings belonging to the town, and suits at law to which the town is a party.

165. The Town Clerk.—The records of the town are kept by the town clerk, a man usually appointed by the council, aldermen or selectmen. He records the ordinary

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* See ¶ 84, p. 50.

business of the council and the important events in the life of the community. His record is accurately kept, and is often required in suits at law as proof of the occurrence of events. In some of the States the town clerk keeps a record of births, marriages and deaths, and of the transfer of property. This duty of the clerk is of great antiquity. The exact record of the births, marriages and deaths in the community is frequently of value in determining the ownership of property and the rights of citizens. Our social affairs would be much more orderly if a careful record of these events were kept in every community.

166. The Assessor of Taxes.—The assessors of taxes are men whose office is of great importance to the taxpayers. An ignorant or incompetent assessor may place the tax far too high or too low, therefore the assessor of taxes should always be a man of sound judgment. The rate of taxation is determined by taking into consideration the amount of the tax and the valuation of the property on which the tax is to be raised. The quotient resulting from dividing the amount of tax to be raised by the valuation of the property gives the rate. The valuation of property is determined at regular intervals by the assessor of taxes, who decides it according to his best judgment. Opportunity is given the taxpayer to have correction made, if any is necessary, in the valuation of his property. The subjects of taxation are persons, and also property, such as land, including under this term all buildings upon land; cattle, horses, sheep, occupations of men, incomes, money at interest, and, in some States, watches, carriages, pianos and furniture.

In some States a small tax called a poll-tax is collected from each elector; in most of the States in which no poll-tax is collected, if the elector pays no property-tax, his occupation is assessed and on it he pays a tax. The property of all citizens, whether electors or not, is liable to taxation. It has been argued by persons favorable to an

extension of the electoral franchise that all persons who pay taxes should be allowed to vote.

The assessor's books are deposited by him with the county treasurer, and are kept among the county records.

167. The Tax-Collector.—The collector of taxes is usually an appointed officer. He gives a bond for the faithful performance of his duties. He collects from the taxpayers the amount of tax due from them. His pay is usually a percentage of his collections. Sometimes there are several collectors: a collector of the State tax, of the county tax, of the school tax, and of the town tax.

The council appoints the collector of the town tax; the school directors appoint the collector of the school tax; the county commissioners appoint the collector of the State and county tax. The same person may be appointed to collect them all.

168. The Town Treasurer.—The taxes collected from the people are paid, if local in character, to the town treasurer. He is the keeper of the town's money, and gives a bond for the faithful performance of his duties. He receives the money from the tax-collectors, and receipts for it. He pays out the town's money at the order of the council duly presented to him in writing, but only upon presentation of this order, which is generally called a warrant. The money in his keeping is usually deposited by him in a local bank, where it draws interest. Sometimes he is paid a salary; sometimes he is allowed the interest of the public money as his salary; sometimes he is paid a certain percentage of all the money he receives as shown by his books. In some States the town treasurer is elected by the people, and in others appointed by the council. He usually serves for one year. In addition to the taxes collected by law, he receives all fines, license-money and penalties paid to the town.

169. The Auditors.—In order to know from time to time how the public moneys are expended, the people

elect or cause to be appointed a board of auditors who annually examine the books of the treasurer and the tax-collectors. They publish a report which shows the receipts and the expenditures of public money. The board of auditors does not entirely change in one year; usually two old members remain, and only one new member is elected.

The County.

170. The County Offices.—The county is a collection of townships or towns. County offices represent larger interests than town or township offices; they differ in degree rather than in kind. The officers usually chosen for county purposes are the county judges, the sheriff, the county attorney, the county clerk, the county commissioners, the overseers of the poor, the county surveyor or engineer, the county coroner, the county superintendent of schools, the county treasurer and the county auditors. County officers are nominated in a convention of delegates from the various towns and townships of the county.

171. The County Judges and the Courts.—Suits at law involving more than one hundred dollars are usually commenced and settled in a county court. The judges are elected by the people and are generally men learned in the law. There are three classes of county courts:

1. Courts for the trial of civil causes: such causes commonly pertain to contracts or agreements in dispute among the parties.

2. Courts for the trial of criminal causes: such causes pertain to the trial of persons accused of crimes or misdemeanors against society, or, as it is said, "against the peace of the State."

3. Courts for the settlement of the estates of deceased persons.

The courts are instituted to determine the rights and the

duties of the people. Sometimes a cause is carried by appeal from the county court to the supreme court of the State, but most suits at law are ended in the county courts. The courts are supported by the entire power of the State and of the United States.

172. The Sheriff.*—The sheriff is the guardian of the county and the executive officer of its courts. He is the constable of the county and has jurisdiction over all its territory. The decrees of a county court, if to be executed in another county, are executed by the sheriff of that county; if to be executed in another State, by the consent and direction of the governor of that State through a sheriff in that State. If a taxpayer refuses to pay his taxes on real estate after assessment and demand by the proper officers, the sheriff is empowered by the State to seize the property of the delinquent and expose it for sale. From the proceeds of the sale he deducts the taxes, the expense of the legal proceedings and sale, and returns the remainder, if any, to the former owner of the estate. He serves all processes of court both in civil and criminal matters. From the nature of his office he receives large sums of money, and is consequently under heavy bonds. He is usually the highest paid officer in the county, receiving a fixed salary or a percentage of the income of his office. He has the care of the county prisons, and is responsible for the safekeeping of the prisoners. He issues proclamations for all elections, and is required to maintain the peace of the county, and for this purpose may summon the *posse comitatus*, and, if necessary, through the governor and the President, call upon the entire power of the State and of the nation.

173. The County Attorney.—It is the duty of the county attorney to prosecute all persons charged with the commission of crime or offences against the law and who are brought before the court for trial; usually to represent the

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* See ¶ 44, p. 29.

county in all civil actions to which it is a party; to give legal advice to county officers when called upon so to do; and, in general, to act for the county in all cases in which its legal interests are affected. He is the county's counsellor at law.

174. The County Clerk.—The recording officer of the court is the clerk. In some States the duties of the county clerk are divided and performed by special officers, such as the recorder of deeds, the register of wills, and the prothonotary. The clerk is usually elected by the people, and is paid a salary drawn by order upon the county treasurer, or is paid in fees. In his office is recorded the judicial business of the court, and he issues the greater part of the legal papers used by it in the trials of causes. The seal of his office, when properly affixed, is proof of the genuineness of a legal paper. The people are constantly buying and selling land, making agreements, executing deeds and mortgages, making wills, forming partnerships and contracts of various kinds. All transfers of property in the county showing the chain of title to lands, the copy of all wills that have been entered of record according to law—or, as is said, probated, or proved, according to law—are recorded in the clerk's office. The industrial rights of the people, as they find expression in legal form by contract or agreement, are recorded and registered. The law requires the recording of all deeds, wills and mortgages within a certain time. So important is the matter of time that every paper entered of record is marked with the exact day of presentation; many papers, such as mortgages, are marked with the exact hour of the day when presented. The purpose of so much detail is to fix exactly the time when a claim of right is made. Claims of right often rank according to their priority.

175. The County Commissioners.—The interests of the county are entrusted by the people to officers usually called the county commissioners. Like the burgess or the

mayor of a town, they are chosen to see that the laws pertaining to the county are faithfully executed. They exercise supervision over the public buildings of the county, such as the court-house, the jail and the poor-house; they apportion the taxes to be raised by the county among the townships and towns; they instruct the assessors; they verify the standards of weights and measures, so that the people shall not be cheated by false balances; they provide suitable polling-places throughout the county; they authorize the payment of county funds, and represent the county when a suit at law is on trial in which the county is a party. The laws regulating their duties are passed by the State legislature.

176. The Overseers of the Poor.—The overseers of the poor are officers appointed or elected to take care of the poor of the county with money furnished to them for that purpose by public authority. Their duties are regulated by the law of the State.

177. The County Surveyor or Engineer.—In order to secure accuracy and skill in the construction of roads and bridges and in the survey of land, many counties employ an engineer. He is frequently consulted concerning the topographical interests of the county, and his knowledge tends to bring all engineering work done for the county to a desirable uniformity and economy. He issues maps of the county, makes plots of various surveys, and frequently serves the cause of justice by surveying disputed claims.

178. The County Coroner.—The principal duty of the coroner is to hold an inquisition, commonly called "the coroner's inquest," with the assistance of a body of bystanders, called "the coroner's jury," over the body of any person who may have come to a violent death or who has died in prison. The duties of the office are of great importance to society, both in bringing murderers to punishment and in protecting innocent persons from accusa-

tion. The coroner, if not a physician, may summon a physician to his aid.

179. The County Superintendent of Schools.—This officer is chosen in one of three ways: by direct vote of the county electors; by election in a convention of the school directors of the county; or by appointment of the State superintendent of public instruction. His duties are — to administer a system of public schools in the county; to examine and license teachers; to conduct teachers' institutes; to visit schools; generally to promote the educational interests of the county; and to report, annually, to the State superintendent, the condition of the schools under his superintendence.

180. The County Treasurer.—This officer receives all moneys paid into the county treasury, such as taxes, fines, and license-fees, and is under bonds for the faithful performance of his duties. The tax-collector's books are filed in his office. He pays out the county's money upon warrant signed by the county commissioners or by other officers, as provided by law. He is usually elected, and in most of the States cannot serve two terms consecutively. In his office are preserved the financial records of the county.

181. The County Auditors.—It is the duty of the county auditors to examine the accounts of officers who have received and disbursed the county's money, and to publish an annual report of the county finances.

The City.

182. Incorporation.—A city is an incorporated town or borough. The deed of incorporation is the city charter granted by the State legislature. The charter names the city, erects it into a political community distinct by itself, enumerates its privileges, defines the duties of its officers, and empowers the municipal government to act independently of the State government; but its action must not con-

flict with the constitution of the State or of the United States. A borough is an incorporated village, partaking of the general character of a city in its civil government, but the borough is smaller than the city and its interests less complex.

183. Reason for Incorporation.—The people of a city are brought into closer relations politically, industrially and socially than are the remaining people of the State. A closer association compels them to adopt a form of government that will protect them in their rights and ensure to them and to others who have relations with them the promotion of the general welfare. One-fourth of the entire population of the United States dwell in cities. The rapid increase of our urban population has made municipal government a grave problem in this country.* The interests of the city are so numerous and so intense that in the solution of the problem, What is the best city government? our principal cities have tried several systems of municipal government. But the object of them all is to secure the rights of the thousands who are so closely associated.

184. City Government.—The government of a city is tripartite. The executive is the mayor; the legislature is the council or board of aldermen; the judiciary is the courts. The courts of a city are the courts of the county in which the city is located; in addition to which, for the trial of petty offences and minor causes, there are police courts and magistrates' courts, which correspond to the justice's court of the township. The council is generally composed of two branches: a common council, whose members are chosen annually, and a select council, whose members are chosen for a longer term. The administrative officers of the city are usually the chief of police and his aids; the city solicitor; the assessors and collectors of

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* See Table, p. 293.

taxes; the city treasurer; the city auditor or controller; the superintendent of schools; and the officers connected with the various departments of the city government, such as the departments of fire, water, public works, health, charities, parks, highways, building inspection, and the many other interests incidental to a large and compact population.

185. Duties of Officers.—The duties of city officers are similar to those of like character in the county. The government of the city is entrusted to its council. This body fixes the rate of taxation, and makes all appropriations for public works, public improvements, highways, city buildings, city schools, salaries of city officers, and miscellaneous objects. Usually the fire and police departments are under the immediate control of the mayor.

186. Wards and Precincts.—A city, for convenience in its organization and government, is divided into wards, and the wards are subdivided into precincts or polling divisions. Wards differ in size and in population in the same city. Each ward elects one or more representatives to each branch of the council, and usually a member of the city board of education. In some large cities there are also school directors for each ward who have charge of the schools in their particular ward.

187. City Finances.—As the city is to a degree independent of the State, it has its own financial system. It borrows money, issues bonds for its debts, and engages in extensive public works requiring vast expenditures of money. The rapid increase of city indebtedness since 1860 has led to the amendment of many State constitutions forbidding the cities of the State to contract debts beyond a certain percentage of the taxable wealth of the city.

188. Reforms in City Government.—The financial disasters that have befallen some cities in this country have led to a movement toward reform in city govern-

ment, of which New York and Philadelphia are conspicuous examples. These reforms are—

1. The constitutional limitation of the city to create indebtedness.

2. Constitutional inhibition on the State legislature to interfere with the administration of the city unless requested to do so by the people of the city.

3. Revision of the city charter, so as to centre responsibility in the mayor and the council or board of aldermen, and to subordinate the administrative officers of the city to the mayor and to the council.

189. City Institutions.—A city is compelled to create public institutions for the welfare of its people. These institutions may be classified as charitable institutions, reformatory institutions, institutions for the punishment of offenders, and educational institutions. The maintenance of these institutions, the care of streets, the erection of water- and gas-works, the equipment of a fire department, and of an adequate police force for the protection of life and property, and the necessity for numerous officers to serve the inhabitants of the city in various capacities, cause the taxes in the city to be much greater than in the rural districts or in the town or village.

190. Representation of Cities.—As the lower house of the national legislature and both houses of the State legislature are composed of members chosen according to population, the city generally sends several members to the State legislature, and to the national House of Representatives one member for every 173,901 of its population.

191. The City and the State.—The city is a political unit of its kind. It is a centralization of humanity and of human interests. The government of a city is often more complex than the government of the State in which it is located. The city is independent of the State so far as independence is permitted by the charter which the State grants,

The State.

192. Its Nature.—A State is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed. Each State or commonwealth maintains a republican form of government.

193. Its Government.—The government of the State is tripartite, and is entrusted by the people of the State, under a written constitution, to executive, legislative and judicial officers, who are nominated in State conventions, and who are elected by the electors of the State.

194. State Conventions.—For the choice of candidates for State offices the representatives of different political parties assemble in their own conventions. The representatives are delegates locally chosen, and are often under promise to support some particular candidate; such delegates are said to be "instructed." In State conventions nominations are made for governor, lieutenant-governor, secretary of state, State treasurer, State auditor, and in some of the States for judges of the State supreme court, and State superintendent of public instruction.

Members of the national House of Representatives are nominated in Congressional district conventions.

Members of the State legislature are nominated in conventions held in State senatorial districts and in State representative districts.

195. The Executive.—The chief executive officer is the governor, elected for a term of years. It is his duty to see that the laws are faithfully executed. He represents the unity and power of the people of the State. He is commander-in-chief of the militia of the State, except when it is called into the service of the United States. He nominates to the legislature, usually to the State Senate, all State

officers not elected by the people and officers to fill vacancies until an election can be held. He commissions all officers whom he appoints. He has the power to grant reprieves and pardons;* signs bills passed by the legislature, if he approves them, or, if he disapproves, refuses to sign, which refusal is called a veto. In some States he may disapprove a part of an appropriation bill and approve the remainder. The title by which he is addressed is "His Excellency the Governor."

196. The Legislature or General Assembly.—The legislative department is vested in two bodies called respectively the House of Representatives, the lower house, and the Senate, the upper house. The two houses comprise the State legislature. The legislature makes the laws for the State, which must not conflict with the Federal Constitution nor with that of the State. These laws provide for the dealings of the citizens with each other, for the organization and government of corporations, for the prevention and punishment of crime, and for the establishment and support of charitable and educational institutions. It is the duty of the legislature to make such laws as will promote the general welfare of the people of the State. All the laws of the State are enacted "by the authority of the people of the State." The State is divided by the legislature for election purposes into representative or assembly districts, State senatorial districts and Congressional districts. The representative districts are the more numerous, and are arranged with reference to local interests. The senatorial districts are arranged with reference to groups of interests, such as those of a county or of a city. The term of service for the House of Representatives is shorter than that for the Senate. The powers of the two

* In some States the governor can exercise the pardoning power only on the recommendation of a board of pardons provided for by the constitution of the State.

houses are generally the same, except that in some States the lower house has the exclusive right to levy taxes and to originate bills for the expenditure of money, and the Senate has the exclusive right of confirming appointments made by the governor. The time allowed by law for the meeting of the legislature is called the session. The regular session varies in the different States from forty to one hundred and fifty days. The tendency in the later constitutions is to limit the length of the session and to have it biennially. Legislators are paid not less than three nor more than eight dollars per day for the session; they are allowed a certain sum of money called mileage to pay their travelling expenses in going to and returning from a session of the legislature, and are allowed a small sum for stationery and postage.*

197. The Judiciary.—The judicial power of the State is vested in the supreme court, called in some of the States the court of appeals. The States differ as to the mode of appointment, the term of service, the compensation, and the number of judges constituting the court. The State constitution prescribes the mode of appointment of the judges and the jurisdiction of the court, and empowers the State legislature to modify the court from time to time as occasion requires. Usually the number of judges comprising the court and their salary are determined by the legislature. Most of the cases decided in the supreme court are brought before it by appeal from the county courts, although it also decides cases that originate in the supreme court. The decision of the supreme court of the State is final, excepting for a certain class of cases desig-

* The State legislature is the expression of the political opinions of the electors in the State. As the members of the two houses are not all elected at the same time, it sometimes happens that the majority of the State Senate is of a different political party from the majority of the lower house. Thus the Senate may be Republican and the House Democratic.

nated by the Federal Constitution, which cases may be appealed to the United States courts.*

198. Administrative Officers.—The State government also provides for officers whose duties are chiefly to administer the laws. The principal administrative officers are—

1. The lieutenant-governor, who presides in the State Senate, and in case of the absence, disability or death of the governor succeeds him as governor of the State.

2. The secretary of state, who is the agent of official communication between the State and other States and the United States. He is the keeper of the archives of the State, and prints or causes to be printed the laws as they are passed. He attests the signature of the governor in all official documents.

3. The State treasurer, who is the keeper of the moneys belonging to the State. He is under bonds with sufficient securities. He receives all money raised by taxation for State purposes, all fines, penalties and revenue from the sale of State lands and other sources, and pays out money only upon warrants duly presented to him according to law.

4. The State auditor examines the financial accounts of

* In Massachusetts and Rhode Island the term of service of the judges in the supreme court of the State is for life. In Delaware the judges retire at seventy years of age. In the remaining States the judges serve for a definite term, varying from a term of two years in Vermont to a term of twenty-one years in Pennsylvania. In six of the States—Connecticut, Georgia, Rhode Island, South Carolina, Vermont and Virginia—the judges are elected by the State legislature. In four States—Delaware, Louisiana, Mississippi, and New Jersey—the judges are appointed by the governor with the approval of the State Senate. In Maine, Massachusetts, and New Hampshire, the judges are appointed by the governor with the approval of the council. In the remaining States the judges are elected by the people. The salaries of the judges vary from $2000 per annum in Oregon to $8500 per annum in Pennsylvania.

all State officers and makes an annual report of the condition of the finances of the State. His duties are of great importance in determining the exact financial condition of the State.

5. The attorney-general of the State, who is the legal adviser of the governor. He is usually appointed by the governor, and is a man learned in the law. His opinions have great weight in influencing the governor in the exercise of his executive duties.

6. The State superintendent of public instruction, who is the chief officer in the State system of public schools. He has in his care the entire public educational interests of the people of the State. He decides questions of law and of procedure in school affairs, and his decisions are usually upheld by the courts. He appears before the legislature of the State in the interests of the schools, and reports their condition and needs at regular times in a printed report to the legislature. His principal duty is to secure uniformity, harmony and practical results in the public schools. He is appointed by the legislature or by the governor, or is elected by popular vote.

7. The commissioner of labor statistics examines into such industrial interests as the hours, wages and returns of labor; the employment of children in factories; the sanitary conditions of labor; the prices of commodities; and, in general, the industrial rights and duties both of the individual and of the State.

8. Each State has usually a State librarian, who is in charge of the State library; a State printer; an insurance commissioner, who examines into the condition of the various insurance companies doing business in the State; and railroad or canal commissioners, whose duty it is to examine into the operations of all railroad and canal companies so far as the business of these companies comes within the jurisdiction of the State.

All officials whose duties are administrative make an-

nual reports to the State legislature of the condition of the public interests committed to their charge. These reports are published by the legislature as public documents for general distribution.

199. The Supreme Law of the State.—The supreme law of a State is its constitution. The people of a State have the right to frame a new constitution at their pleasure.* Several States have had two or more constitutions. From time to time public opinion changes and laws and constitutions reflect these changes. The tendency of the past century in American thought has been toward greater liberality in opinion, politically, industrially, socially and morally. The old "blue laws" of Connecticut would not be tolerated now. The greatest changes in the State constitutions and laws have been made in the recognition of political and civil rights. The declaration that all men are created equal has slowly affected the character of all our laws, and the laws enacted at the present time respecting labor, amusements, punishments and freedom of opinion are widely different from the laws enacted on the same subjects soon after the American Revolution. The eighteenth and nineteenth centuries in America settled for ever that government should be constituted in three departments, and with almost equal clearness what rules and principles should be observed in the exercise of authority. At the present time the grave problem before legislators is to what departments of human affairs that authority shall extend.

The rights secured by the constitution and laws of the State are — personal security, personal liberty, private property, protection of public property, freedom of worship, freedom of speech and of the press, trial by jury, public meeting, the writ of habeas corpus, the obligation of contracts, the exemption of the citizen from unreason-

* See Table, p. 294.

able searches and seizures of his person or of his effects, and from cruel and unusual punishments; and the supremacy of civil over martial law.

200. Constitutions of New States.—As the Western States have framed constitutions, the influence of the Eastern States has been almost paramount. The Western States have framed their constitutions after two models: the States north of the Ohio River have followed the model of Massachusetts; those south and west of the Ohio River have followed the model of Virginia. When California framed her first constitution in 1849 the convention that met at Monterey took into consideration the constitutions then in force in New York and Iowa as the basis for the constitution of California, because many members of the convention had once lived in those States. Iowa had modelled her first constitution upon that of New York, and New York had been influenced by that of Massachusetts. Thus many of the provisions of the constitution of Massachusetts found their way into the first State constitution of California. The constitution of Massachusetts, the first framed by the people of that State, is still in force and is the oldest State constitution in America. It has been amended several times.

201. State Institutions.—For the welfare of its people the State maintains public institutions of the nature of those maintained by cities. For the support of asylums, penitentiaries, reformatories, prisons, scientific institutions, schools, colleges and universities the State makes grants of land or appropriations of money. Appropriations for these and for other purposes compel the levying of a tax upon the people of the State.

202. Taxation.—The State tax is levied by the State legislature. The right of the State to tax property within the State is a sovereign right necessary to the existence of the State. Taxation is just, necessary and advantageous both for the State and for the individual. A tax is a con-

tribution imposed by government on individuals for the service of the State. This service consists chiefly in the protection of the industrial, political, social and moral rights of individuals. A single individual alone could not protect his rights, but by association in government all individuals are protected. The tax paid by the individual is not sufficient of itself to obtain for him all the rights to which he is entitled; it would not educate his children, nor pay a person to protect his property, nor maintain good roads. When every individual is taxed, and the State thus obtains a large sum of money, the means is thereby provided for the protection of all the rights of each individual. That which could not be accomplished by the individual alone is easily accomplished by the association of individuals in government and by a system of public taxation.

203. Income of the State.—The income of the State is derived from taxes, fines, penalties, licenses, fees of administrative officers, land sales, interest on loans, profits on industries engaged in by the State, the sale of franchises to corporations, and from the estates of persons dying without heirs, whose property by law becomes the property of the State.

204. Title to Land in the State.—When the American colonies became States, each State became the source of all land titles within its own jurisdiction. If the title to the land is vested in any private person, he holds it subject to the perpetual claim of the State for taxes on the property.

205. Boundaries of the State.—The boundaries of the original thirteen States were determined by royal charters and by actual settlement. The king and his advisers were totally ignorant of the geography of America, and the charters bred hopeless confusion in colonial boundaries which led to disputes between some of the States. The map (p. 128) shows the claims of the East-

ern States in 1781 and the State cessions to the United States. Every State boundary has been accurately surveyed. Some State lines have become historic, as the southern boundary of Pennsylvania, known as Mason and Dixon's line, after the names of the two surveyors who in 1766 marked off the line as decided by the English Board of Trade. They placed the arms of Pennsylvania on the north face of the boundary-stones, and on the south face the arms of Lord Baltimore. The boundary owes its fame to the fact that it became the boundary between two industrial sections of the country, the slave and the free. The Supreme Court of the United States alone has the authority to settle disputes as to the boundaries of a State.

206. Regularity of Western States.—When a new State is admitted into the Union, Congress fixes its area and boundaries. The States and their county divisions formed by Congress out of the public domain are quite regular in contour. The difference between the contour and the county divisions of the old States and those of the new States shows how a strong national government can determine the shape and dimension of States.*

207. The Township, the County, the City and the State Related.—The State includes the city, the township and the county. The inhabitant of a city is subject to the jurisdiction of the city, of the county in which the city lies, and of the State in which the county is located. Each jurisdiction has a distinct character, and all combine to form the interests of the State. Each town or township is a part of the county; each county is distinct from other counties in the same State; the city by its charter is distinct from the county and from the State and from other cities in the State. All are protected by one

* Examine a map of Virginia and a map of Kansas. Notice the irregular contour of the former State and of its counties and townships compared with the latter.

State constitution, and are amenable to it and to the laws of general application passed by the legislature. Each is a part of a political community, the State, and the State itself is part of a larger political community, the Nation. The township, the county, the city, the State, each within its own jurisdiction, is an independent political organization.

The Territory.

208. Government in a Territory.—1. Government in a Territory is tripartite. The governor, the judges, the secretary of the Territory, the marshal and the attorney for the Territory are appointed by the President, with the consent of the Senate, for a term of four years. The Territorial legislature consists of two houses, the Council and the House of Representatives, elected by the qualified electors in the several districts into which the Territory is divided. The legislature is empowered, by act of Congress, to make laws for the government of the Territory, and these laws, having been approved by Congress, prevail in the Territory. All township, district and county officers are either elected or appointed, according to the provisions of Territorial law. The electors in a Territory do not vote for Presidential Electors. Every Territory is entitled to send a delegate to the House of Representatives of the United States, to serve during the term of Congress to which he is elected. He is chosen by the qualified voters in the Territory. A delegate's function is to inform Congress of the condition and wants of the Territory which he represents. The delegate has the right of debating, but not of voting, in Congress. Each Territory is divided into three judicial districts, and has a supreme court and three district courts. There are also justices' courts. The marshal of the Territory executes all processes of the Territorial courts, and performs, in general, the duties of a sheriff in a State. The attorney for the Territory performs duties similar to those of a county or of

a State attorney. All Territorial officers appointed by the President are paid salaries out of the treasury of the United States, and Congress annually appropriates an amount for the expenses of the Territorial legislature which is the limit of legislative expenses in that Territory.

2. **How a Territory becomes a State.**—When the people of a territory desire admission into the Union as a State, a petition to that effect from the territorial legislature is presented to Congress by the territorial delegate. The petition is referred to the committee on territories. The committee, if favorable to the admission of the Territory as a State, presents a bill to Congress, which, if approved, becomes the enabling act providing for the admission of the Territory. The enabling act defines the boundaries and determines the name of the proposed State, and requires the electors of the Territory to elect delegates to a convention to prepare a constitution for the proposed State; it specifies that the said constitution shall be republican in form, in harmony with the Constitution of the United States and with the Declaration of Independence, and it contains such other provisions as may be deemed necessary by Congress.

When the constitution has been prepared by the convention it must be submitted to the electors of the State. If approved by a majority of the electors, a statement to that effect, together with a copy of the constitution is sent by the governor of the Territory to the President, who examines the constitution, and if it is found to comply with the provisions of the enabling act, the President issues a proclamation declaring the State admitted to the Union.

209. Definition of Government.—Having traced Government from rude beginnings among savage tribes to some of its highest results among civilized people, we are now ready for a statement of its meaning. *Government is the direction and control of human interests, and is founded upon human rights.*

PART III.

THE NATION.

The Nation is formed as a power on the earth. It is invested with power of God; its authority is conveyed through no intermediate hands, but is given of God. It is clothed with His majesty on the earth. It is ordained of God to do His service.—MULFORD.

You will have to look back upon a century of national advancement without a parallel in history, and to look forward to its probable continuance upon a still larger scale, with an accumulation of high duties and responsibilities proportioned to an ever-growing power.—GLADSTONE.

To the efficiency and permanency of your Union a government for the whole is indispensable. . . . . This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself the provisions for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty.—WASHINGTON.

CHAPTER I.

THE MAKING OF THE NATION.

210. Elements of Nationality.—The elements of nationality are two: the People and the Land. The Nation has human nature for its foundation, men in political, industrial, moral and race association, the geographical unity of the land, the conscious life of the people, common interests and a moral personality. One race, one land, one law, make a Nation.

211. The Nation Different from the State.—The State is a political division of the Nation: it is a part of the whole political life of the people. Each State has local interests equal in importance with those of other States, but limited chiefly to the people of that State. The interests of the Nation are unrestricted by State boundaries, and are comprehensive. The rights of the Nation are true of all its citizens, the political people; the rights of the State are true strictly of the people who comprise that State. Therefore the Nation has a broader foundation than the State, because its rights are the most comprehensive rights of the people. The sovereignty of the State is local; the sovereignty of the Nation is general. There need be no collision of these two authorities: each of them is an expression of the will of the people. The two sovereignties are two expressions of the association of rights and interests. Nor are these interests of State and of Nation far remote from each other; they unite in the citizen. As a citizen of a State I am interested in things immediately near me: I am interested in the choice of local officers, in the honesty of the assessor

of taxes and in his sound judgment; in the construction of strong bridges and durable roads in the township in which I live; or, if I live in a city, I am interested in having an abundance of pure water, in having clean streets and sanitary drainage, in the protection of property from fire and flood, and in many other local matters.

As a citizen of the United States I am interested in the general welfare of the whole land; in the policy of the Federal Government; in the survey of the public domain; in the uniformity of the currency, in banking operations, in postal facilities, and in the political rights of all citizens of the United States. I am interested in our relations with foreign nations, as in trade, commerce, social intercourse, the peace of nations and the civilization of man. There are many States, there are few nations.

As a citizen of the State I am bound by local ties; as a citizen of the Nation I partake of one of the highest of sovereignties and am one of a company of sovereigns. This national sovereignty becomes of highest concern to us as Americans, because it is founded upon free men; it exists by the consent and with the constant aid of a free people. The Nation thus becomes a personality moving in a larger field than the State. It becomes the embodiment of rights, of freedom, of law, of individuality, of the family, of morality.

212. The Nation and the Constitution.—The Nation comes before the Constitution, as the maker exists before that which he makes. The Constitution is the solemn expression of the will of the Nation, and it may be amended as the Nation wills. The Constitution sets forth the aim and object of nationality, and the laws made by the national legislature simply define this aim, further this object and aid in the expression of the will of the Nation. It follows that national interests are of such a comprehensive character that they are often difficult to understand. They seem to be far off, they seem to be almost foreign to

us; yet they are near us and of ourselves; we are an integral part of the Nation. Only those who live a national life can understand nationality; only those who think with the Nation can understand it.

213. Purpose of the National Constitution.—The purpose in establishing the Constitution of the United States was—

1. To form a more perfect union;
2. To establish justice;
3. To insure domestic tranquillity;
4. To provide for the common defence;
5. To promote the general welfare;
6. To secure the blessings of liberty to ourselves and our posterity.

214. The Nation an Organism of Slow Growth.—It is difficult to tell when nationality begins to grow; it is equally difficult to tell the precise moment when it is fully grown. But at intervals certain important events, understood after they have occurred, are seen to be steps toward nationality. Some of the movements toward American nationality are the following:

215. The Union of 1643.—In 1643 the colonies of Massachusetts Bay, Plymouth, Connecticut and New Haven, in order to protect themselves against the Indians and the Dutch, formed a confederation called "The United Colonies of New England." The union represented twenty-four thousand people living in thirty-nine towns. It was a confederation of local interests, was pervaded by some narrow views by which several New England colonies were excluded from it, and it lasted only forty-one years. It was the first step "to form a more perfect union" in America.

216. Penn's Plan.—In 1697, William Penn presented a plan of union for the American colonies to the English Board of Trade. Penn's plan proposed a national administration for the colonies by means of a congress which

should be presided over by a royal commissioner, and which should hear and adjust all matters of complaint between the provinces. It was never adopted.

217. The Albany Plan.—At Albany, New York, June 19, 1754, the commissioners from seven colonies met and formed a plan of union, which from the influence of Franklin in its formation is often called by his name. It was rejected by the colonies because it vested too much power in the king, and was rejected by the king because it vested too much power in the people. It is interesting as furnishing the basis of representation adopted later by the Continental Congress, *namely*, each State to have at least two representatives and not more than seven. This basis was also used in determining the representation of the States in the Senate of the United States by the Constitutional Convention of 1787.

218. The First Declaration of Rights.—The Declaration of Rights issued in 1765 is a brief summary of the political and industrial rights claimed by the people of the colonies, and had a unifying influence upon the whole country. (See p. 241.)

219. The Second Declaration of Rights.—The American Union may be said to begin with the Declaration of Rights of 1774, issued by the Continental Congress. "It first expressed the sovereign will of a free nation in America." The Declaration and the Articles of Agreement of 1774 illustrate how inseparably the political, industrial and social rights of the people were then associated.

220. The Declaration of Independence.—The Declaration of Independence, July 4, 1776, presents the causes that led to the separation of the American colonies from Great Britain. (See p. 244.)

221. The Articles of Confederation.—The Articles of Confederation proposed by the States in 1777 became the first national Constitution in 1781 by their ratification

by the requisite number of States. Experience demonstrated the defects of the Confederation to be—

1. Congress had no power to enforce obedience to its laws. Local interests were supreme.

2. The laws of Congress affected only the States, and could not reach the individuals in the State.

3. Important legislation was almost impossible, as laws affecting the general interests of the United States could be passed only by the unanimous vote of the States.

4. Congress had no authority to regulate commerce.

5. The Articles could not readily be amended.

6. The three departments of government were not distinct. (See p. 250.)

222. The Federal Constitution.—The Constitution of the United States was framed in convention at Philadelphia, May–September, 1787, was submitted to the people for ratification, and went into operation March 4, 1789. It has been amended fifteen times, has been differently interpreted by various political parties in power, but has been administered by all parties in the spirit of its aim and object. The Constitution of the United States and the treaties and laws made under its authority comprise the supreme law of the land. (See p. 263.)

223. The Ordinance of 1787.—On July 13, 1787, while the Constitution of the United States was in formation by the convention, the Congress of the Confederation passed the celebrated ordinance for the government of the North-west Territory. This act declared that neither slavery nor involuntary servitude, unless for the punishment of crimes whereof the party had been duly convicted, should ever exist north of the Ohio River in the North-west Territory.

224. Effect of the Ordinance of 1787.—The ordinance of 1787 became in time the boundary of slavery in America, if not one of the agencies that caused its abolition. It was passed when the western boundary of the

United States was the Mississippi River, when Florida was Spanish territory, and when France had sold to Spain the entire continent west of the Mississippi. The act virtually divided freedom and slavery by a geographical line —the Ohio River and the southern boundary of Pennsylvania. As early as 1787 African slavery had almost disappeared north of Mason and Dixon's line. The efforts of the politicians to keep the two sections of the country balancing on the parallel of 36° 30′ date from the passage of this ordinance, and continued until 1850.

225. The Virginia and Kentucky Resolutions.—The Virginia Resolutions, written by Thomas Jefferson, and the Kentucky Resolutions, written by James Madison, were adopted by the legislatures of those States in 1798. They were a defence of the doctrines of slavery and of State rights, and they present the views of those opposed to the supremacy of the National Government.

226. The Ordinance of Nullification.—In accordance with the principles advocated by the Virginia and Kentucky Resolutions, the State of South Carolina, dissatisfied with the Government of the United States, passed an ordinance November 24, 1832, nullifying certain laws of Congress. This ordinance states the extreme doctrine of State rights, and was one of the steps toward the secession of that and other States from the Union in 1860–61.

227. The People and Slavery.—One hundred and sixty-eight years after the introduction of African slavery into this country, it became the cause of one of the compromises in the National Constitution, by which slavery was protected. Climatic laws separated the United States into two sections—a Northern, unsuited to slave-labor; a Southern, in which slave-labor was considered profitable. By the acquisition of Louisiana, slavery became a larger problem in American life. Many inharmonious opinions prevailed, in various sections of the country, concerning slavery, but these opinions, in Congressional legislation.

were harmonized by the enactment of the Missouri Compromise in 1820, by the terms of which slavery was limited to that portion of the United States south of the parallel of 36° 30′, with the exception of Missouri, which was admitted as a slave State. During the next half century slavery rapidly became a national question involving political, social, industrial and moral rights. Extreme pro-slavery men wished to extend slavery all over the United States; extreme anti-slavery men wished to abolish it. By the Mexican war additional area was obtained, and the question of the right of Congress to prohibit slavery in the Territories became a national issue. Slavery became a gigantic industrial and political problem in the country. It was commonly described as "a State institution." Until 1855 twenty new States had been admitted into the Union —ten with constitutions permitting, and ten, forbidding slavery. Into the Territory of Kansas poured people from the North, hostile to slavery; from the South, favorable to slavery. The first constitution framed by the people of Kansas prohibited slavery; two years later (1857) the people of the Territory framed another constitution, permitting slavery, and again asked admission into the Union. The Supreme Court of the United States in the same year decided in the Dred Scott case that the Missouri Compromise was unconstitutional and that Congress could not exclude slavery from the Territories. The decision of the court was not unanimous. It did not settle the slavery question. That question essentially embodied the existence of the National Government and the relations of the several States to that Government and to each other. The struggle between hostile parties in Kansas began the inevitable contest which determined "whether this nation could exist half slave and half free."

228. The Emancipation Proclamation. — President Lincoln, recognizing that the Civil War was essentially a struggle between freedom and slavery, by virtue of his war

powers under the Constitution, issued the Emancipation Proclamation January 1, 1863, by which slavery was abolished in certain districts of the country mentioned in the proclamation. This proclamation did not abolish slavery in the United States. Slavery was abolished by the ratification of the Thirteenth Amendment. The Fourteenth Amendment gives to all citizens of the United States the equal protection of the laws, and the Fifteenth Amendment declares that the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.*

229. The "More Perfect Union."—The moral effects of the war lifted the Nation into a clearer consciousness of its duties and a keener appreciation of its rights. The political effects of the war are now most clearly apparent in the constantly centralizing tendency of all political powers in the Congress of the United States—a tendency not without grave dangers. A constant problem in government with which the people of the United States deal is how to harmonize conflicting interests of local and national government. These interests meet in the electors in the Nation. In the citizen himself must be found the solution of the problem. For this reason the responsibilities, rights and duties of a citizen of the United States are of such a lofty character. For this reason it becomes necessary for the people of the United States to understand their own civil institutions. The Nation was not made in a day, nor are its character and its fate yet fully determined. Each of us bears an essential and an influential part in making it the Nation in which are realized all the lofty ideals of personal liberty, personal security, private property, freedom of speech and freedom of worship with which our fathers were imbued a hundred years ago.

* See foot-notes pp. 284, 286 and 287.

126 PRESIDENT LINCOLN READING THE EMANCIPATION PROCLAMATION TO HIS CABINET. (See page 287.)

CHAPTER II.

THE PEOPLE AND THE LAND.

230. Title of the People to the Land.—The eastern coast of North America from the 38th to the 67th degree of north latitude was claimed by England by reason of the discoveries of the Cabots in 1498. Colonization secured the English claim. The first charter was granted to Sir Walter Raleigh by Queen Elizabeth, March 25, 1584. Many other grants and charters followed to companies and to individuals. The title to the land claimed by England in North America was, by the law of England, vested in the king. When the American colonies separated from England in 1776, the king's title to the land passed by right to the people of the thirteen States represented by the State Governments which were ordained and established at the suggestion of the Continental Congress, and since that time they have obtained a title to all the land purchased, ceded, conquered and received into the national domain from France, Spain, Texas, Mexico and Russia.

231. The Original United States.—The treaty of Paris, September 3, 1783, between the United States, France and Great Britain, confirmed the title of the people to the land east of the Mississippi River south of Canada and north of the two Floridas, comprising about 830,000 square miles, of which 341,752 square miles were included in the area of the thirteen original States. The remainder, 488,248 square miles, comprised the lands then known as "the Western Territory," which was claimed by the States of Massachusetts, Connecticut,

New York, Virginia, North Carolina, South Carolina and Georgia.

232. The Louisiana Purchase.—By the purchase of the province of Louisiana from France, April 30, 1803, the area of the United States was increased 1,182,752 square miles, at a total cost of $27,267,621.98, or three and three-fifths cents per acre.

233. Purchase of the Floridas.—By the purchase from Spain of East and West Florida, February 22, 1819, the United States secured 59,268 square miles of land, at a total cost of $6,489,768, or seventeen and one-tenth cents per acre.

234. Annexation of Texas.—By the annexation of the Republic of Texas, December 29, 1845, the national area was increased 274,356 square miles.

235. The Purchase of California.—By the treaty of Guadalupe Hidalgo, February 2, 1848, there was obtained from Mexico an area of 522,568 square miles, costing $15,000,000, or four and one-half cents per acre. This purchase comprised the land in the present areas of California, Nevada, Utah, the greater part of Arizona and New Mexico and a part of Colorado.

236. The Purchase of the Mesilla Valley.—By the Gadsden purchase of the Mesilla Valley from Mexico, December 30, 1853, an area of 45,535 square miles was obtained, costing $10,000,000, or thirty-four and three-tenths cents per acre.

237. The Oregon Country.—The area comprised within the States of Oregon, Washington, and Idaho, 250,000 square miles, belongs to the people of the United States by four titles:

1. By discovery, Captain Gray, 1792;
2. By exploration, Lewis and Clarke, 1805;
3. By settlement, 1811;
4. By treaty with Spain, 1819.

238. The Purchase of Alaska.—Alaska was added

48°
43°
38°
33°
28°
Longitude 23° West from
50°
45°
40°
35°
DOMINION
PACIFIC OCEAN
VANCOUVER I.
WASHINGTON
Olympia
OREGON
Portland
Columbia R.
Cascade Mts.
Coast Range
Sierra Nevada Mts.
Rocky Mts.
Bitter Root Mts.
Snake R.
Yellowstone R.
Missouri R.
MONTANA
Helena
NORTH DAKOTA
LOUISIANA
PURCHASE
SOUTH DAKOTA
WYOMING
NEBRASKA
Cheyenne
Yellowstone National Park
ACQUIRED BY DISCOVERY 1792 EXPLORATION 1805 SETTLEMENT 1811 TREATY 1819
BOUNDARY AS DETERMINED BY
ACQUIRED FROM MEXICO
BY CONQUEST AND TREATY
1845 1848
NEVADA
UTAH
Great Salt Lake
Salt Lake City
Carson City
San Francisco
COLORADO
Denver
KANSAS
SPANISH TREATY
OKLAHOMA
CEDED BY Santa Fe
NEW MEXICO
TEXAS
1850
ARIZONA
Prescott
Colorado R.
Gila R.
BOUGHT OF MEXICO 1853
GADSDEN PURCHASE
TEXAS
ANNEXED IN
Rio Grande
Matamo
ALASKA
Scale of Miles
0 100 200 300
Pt. Barrow
ARCTIC OCEAN
PURCHASED FROM RUSSIA 1867
Behring Str.
Yukon R.
Mackenzie R.
CANADA
Alaska Range
BERING SEA
ST. GEORGE
KODIAK I.
NORTH PACIFIC OCEAN
Sitka
GRAHAM I.
FOX IS.
65°
60°
55°
170°
165°
160°
155°
150°
145°
140°
135°
105°
100°

MAP SHOWING
LAND ACQUIRED
by the
UNITED STATES
1783—1898
Scale of Miles
0 100 200 300 400 500
C.J. PETERS & SON ENGRS. BOSTON.
CANADA
GULF OF MEXICO
ATLANTIC OCEAN
Lake Superior
Lake Michigan
Lake Huron
Lake Erie
Lake Ontario
Lake of the Woods
Quebec
Ottawa
Toronto
Detroit
Chicago
Omaha
Des Moines
St. Louis
Topeka
Cincinnati
Louisville
Charleston
Washington
Richmond
Raleigh
Atlanta
Charleston
Savannah
St. Augustine
St. Mary's R.
Memphis
Little Rock
New Orleans
Galveston
Portland
Boston
New York
Philadelphia
Trenton
Baltimore
Dover
Hartford
Concord
Florida Strait
BAHAMA I.
CUBA
MINNESOTA
IOWA
MISSOURI
ILLINOIS
OHIO
KENTUCKY
TENNESSEE
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
FLORIDA
ALABAMA
MISSISSIPPI
LOUISIANA
ARKANSAS
INDIAN TERRITORY
MAINE
MASS.
N.H.
VT.
N.Y.
PENNSYLVANIA
N.J.
DEL.
MD.
N.W. TER.
GREAT BRITAIN
CEDED BY MICHIGAN 1783
WISCONSIN
CEDED BY MASSACHUSETTS 1785
LAT 43° 43' 12"
LAT 42° 2'
CONNECTICUT CESSION AND CEDED 1800
1786
VIRGINIA CESSION
1784
NORTH CAROLINA CESSION 1790
TENNESSEE
S.C. CESSION 1787
CEDED BY GEORGIA 1802
MISSISSIPPI TERRY 1798
CLAIMED BY U.S. & GA.
CEDED BY GA. 1802
BOUGHT OF SPAIN 1819
1819
1845
Red R.
Sabine R.
Natchez
Tombigbee R.
St. Lawrence R.
Georgian B.
St. Paul
Mississippi R.
Lake of the Woods
Quebec
Ottawa
Toronto
Detroit
Chicago
Omaha
Des Moines
St. Louis
Topeka
Cincinnati
Louisville
Charleston
Washington
Richmond
Raleigh
Atlanta
Charleston
Savannah
St. Augustine
St. Mary's R.
Memphis
Little Rock
New Orleans
Galveston
Portland
Boston
New York
Philadelphia
Trenton
Baltimore
Dover
Hartford
Concord
Florida Strait
BAHAMA I.
CUBA
MINNESOTA
IOWA
MISSOURI
ILLINOIS
OHIO
KENTUCKY
TENNESSEE
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
FLORIDA
ALABAMA
MISSISSIPPI
LOUISIANA
ARKANSAS
INDIAN TERRITORY
MAINE
MASS.
N.H.
VT.
N.Y.
PENNSYLVANIA
N.J.
DEL.
MD.
N.W. TER.
GREAT BRITAIN
CEDED BY MICHIGAN 1783
WISCONSIN
CEDED BY MASSACHUSETTS 1785
LAT 43° 43' 12"
LAT 42° 2'
CONNECTICUT CESSION AND CEDED 1800
1786
VIRGINIA CESSION
1784
NORTH CAROLINA CESSION 1790
TENNESSEE
S.C. CESSION 1787
CEDED BY GEORGIA 1802
MISSISSIPPI TERRY 1798
CLAIMED BY U.S. & GA.
CEDED BY GA. 1802
BOUGHT OF SPAIN 1819
1819
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Red R.
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Georgian B.
St. Paul
Mississippi R.
Lake of the Woods
18° Washington 13° 8° 3° 2° East 7°
45°
40°
35°
30°
25°
20°
Longitude West 95° from Greenwich 90° 85° 80°

to the national domain by its purchase from Russia, March 30, 1867. This area covers 577,390 square miles and cost $7,200,000, or one and nineteen-twentieths cents per acre.

239. Purchase from States.—In 1802, Georgia sold to the United States the land now included in the States of Alabama and Mississippi north of the 31st parallel, 88,578 square miles, for $6,200,000, or ten and ten-elevenths cents per acre.

In 1850 the United States purchased from Texas 96,707 square miles of land, lying in the south-west corner of Kansas, in the south-eastern corner of Colorado, in the eastern portion of New Mexico, and in the public land strip north of the Pan-Handle of Texas. This purchase cost $16,000,000, or twenty-five and seventeen-twentieths cents per acre.

240. State Cessions to the United States.—In order to pay the debt created by the Revolutionary War several States ceded their Western land to the National Government, as follows:

New York, March 1, 1781, $315\frac{91}{100}$ square miles, comprising the land known as the Triangle in Pennsylvania. The Triangle (Erie county) was sold to the Commonwealth of Pennsylvania by the United States in 1792 for $150,640.25.

Virginia, March 1, 1784, a large portion of the territory now included in Ohio, Indiana and Illinois.

Massachusetts, April 19, 1785, 54,000 square miles in Michigan and Wisconsin.

Connecticut, September 13, 1786, and May 30, 1800, 40,000 square miles now included in the northern part of Ohio, Indiana and Illinois.

South Carolina, August 9, 1787, 4900 square miles in Georgia, Alabama and Mississippi.

North Carolina, February 25, 1790, 45,600 square miles in Tennessee, although, as Tennessee was almost covered with reservation already made by North Carolina in favor of Revolutionary soldiers, the cession was only nominal.

241. The Public Domain.—The Public Domain comprises all the land belonging to the people of the United States, except the area of the thirteen original States as they now exist, and the area of Texas, which came into the Union by annexation and has a land system of its own.

The area of the Public Domain is 1,849,072,587 acres, which for purchase, quieting of Indian title, survey and expense of selling has cost $351,981,160.32, or nineteen and one-third cents per acre.

242. The Survey of the Public Domain.—The survey of the Public Domain is under the control of Congress, and was inaugurated by a committee of the Continental Congress in 1785. Thomas Jefferson was chairman of this committee. The committee recommended that all public land should be surveyed into hundreds of ten miles square, a unit of measure which is traceable to the curious plan of government proposed for Carolina in 1669.* At the suggestion of James Monroe, the township, or hundred, as it was then called, was reduced to six miles square, and the sectional subdivision of the township was made one mile square, or 640 acres, a suggestion that gave us our system of public survey. Until 1846 the Land Office was a part of the Department of the Treasury, but since 1846 it has been under the control of the Department of the Interior.

243. How the Township is Formed.—The Government surveyors in making a survey first establish a *principal meridian.* Twenty-four principal meridians have already been established, the first of which was the line dividing Ohio from Indiana.

A parallel line crossing the principal meridian at right angles is then established, and called a *base line.*

Every six miles apart, east and west of the principal

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* See ¶ 78, p. 44.

meridian, another meridian is established, and every six miles apart, north and south of the base line, another

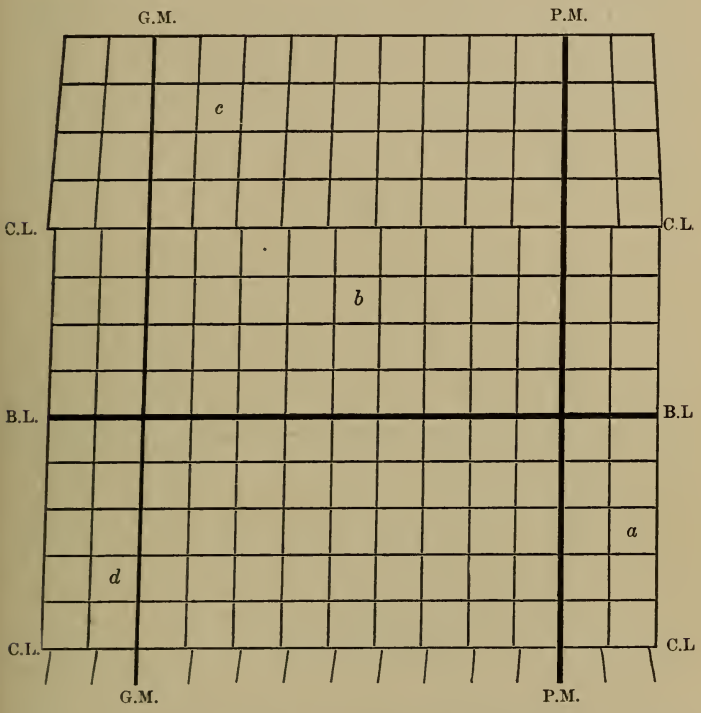

Diagram of a Group of Townships, etc.

P. M. represents part of a principal meridian; B. L., part of a base line; G. M., part of a guide meridian; C. L., correction lines. *a* is township 3 south, of range 2 east of the principal meridian; *b* is township 3 north, of range 5 west of the principal meridian; *c* is township 7 north, of range 8 west of the principal meridian; *d* is township 4 south, of range 10 west of the principal meridian.

parallel line is established. These meridians and parallels are called *township lines.*

The square tracts of land enclosed by the township

lines are called *congressional townships.** Each township is nearly six miles square; not exactly, because the eastern and western boundary-lines of the township are meridians; hence, on account of their convergence toward the north and divergence toward the south, a township is not a perfect square, and the townships would constantly decrease in size toward the north and increase in size toward the south as the distance from the base line increased, ultimately defeating the purpose of the survey, were it not

Township line north.

Township line west.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Township line east.

Township line south.

DIAGRAM OF A TOWNSHIP divided into sections of 640 acres each.

for *correction lines*, which (in the eastern part of the Public Domain) are established every twenty-four miles north and every thirty miles south of the base line. A new meridian, called a *guide meridian*, is also established every fifty-four miles east and west of the principal meridian. By the use of the *correction lines* and the *guide meridians* the size of the township is restored.

* The congressional township is not to be confounded with the civil township; it is not a political division of the county, nor has it any political organization. It is simply a tract of land, six miles square, instituted to afford a convenient method of recording and describing land.

Townships are numbered in order north and south of the base line, and in *ranges* east and west of the principal meridian.

244. Sections.—Each township is divided into thirty-six sections. Each section is one mile square, and contains nearly 640 acres,* divided into sixteen tracts of 40

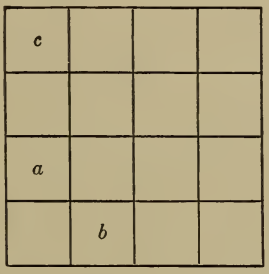

DIAGRAM OF A SECTION divided into tracts of 40 acres each.—Assuming the diagram of the section to be section 6 in township 5 north, of range 2 west of the sixth principal meridian, lot *a* would be described as the N. W. ¼ of the S. W. ¼ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian; lot *b* is the S. E. ¼ of the S. W. ¼ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian; lot *c* is the N. W. ¼ of the N. W. ¼ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian, and may be abbreviated thus: N. W. ¼ of the N. W. ¼, Sec. 6, T. 5 N., R. 2 W. of 6th P. M.

acres each. The lines that bound the sections are called section lines. Sections are numbered from east to west and west to east alternately.

As the survey works westward, fractional or imperfect sections are located on the west side of the township. The United States surveyors locate the "corners" of the sections and half-mile marks between the corners. Their work is then completed, and a natural object or an artifi-

* As the lines forming the eastern and western boundaries of the section converge toward the north, the section is not a perfect square, hence does not contain exactly 640 acres.

cial construction, duly registered on the surveyor's field-book, marks the survey. By this system a deed of land may be written in a few words, and it is intelligible to any person. Deeds of land in the older thirteen States are usually long and the boundaries are often obscure, the deed calling for "an oak tree" or "a certain pile of stones" or "a stump." Land in the Public Domain is easily located and described by lines of latitude and longitude.

The munificence of our Government in providing land for the people has been an important element in the settlement of the newer States. It opened the way for a vigorous, progressive and law-abiding people in regions which a few years ago were wild Indian lands.

245. Disposition of the Public Domain.—1. *School Lands.*—Every sixteenth section, and in some States and Territories every thirty-sixth section additional, has been set apart by Congress as school lands for the benefit of the States formed out of the Public Domain. All the States in the Union have received lands or land scrip as a school fund for common schools and for the endowment of State educational institutions, usually for agricultural and mechanical colleges. The total area thus granted is more than 100,000,000 acres. All this land is estimated to be worth at least $1.25 an acre, but much of it has been sold at a higher price. Never before in the world's history was such a munificent national gift for educational purposes. The splendid school edifices of the new States and the rapid increase of schools in the West are due to the sale of school lands.*

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* In townships on the Public Domain established by the Government survey, public roads are usually located on each section line, so that the highways of the township divide it into squares of one mile each. Schoolhouses are usually located at each alternate cross-road, thus giving nine schoolhouses, two miles apart, to each township. The schoolhouse stands at the centre of a school district two miles square.

2. *Canal Lands.*—The will of the people for internal improvements led to the grant of 4,424,073.06 acres of the Public Domain from 1824 up to 1892 as an aid and an incentive in the construction of canals.

3. *Railroad Lands.*—From 1850 until 1880, Congress gave to railroad corporations 155,504,994.59 acres of the Public Domain. The gift of an imperial domain for the purpose of increasing the facilities of transportation has caused the construction of several trunk-lines from the Atlantic to the Pacific, and has brought all parts of the United States into intimate political, industrial and moral association. The munificent grant to railroads has had a nationalizing tendency and has caused the rapid settlement of the Mississippi Valley and the Great West.

4. *Homesteads.*—On the 20th of May, 1862, President Lincoln approved and signed "An act to secure homesteads to actual settlers on the Public Domain." By this act the head of a family, man or woman, or any single person, twenty-one years of age, who is a citizen of the United States, or person who has declared an intention of becoming such, has the right to locate upon one hundred and sixty acres of unoccupied public land of the Public Domain. The settler must enter the land in a United States land-office and live continuously upon the land for five years. If he is a full citizen of the United States and has complied with the homestead law, he will receive from the Federal Government a patent or deed for his land free of cost, excepting land-office fees, which are nominal. No person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory can acquire any right under the homestead law.

5. *Pre-emptions.*—One hundred and sixty acres of any unsold land belonging to the United States may be pre-empted by any citizen who is the head of a family, man or woman, or by any single person twenty-one years of age. The pre-emptor must settle upon and occupy the

land and build a house upon it. Within thirty days from the pre-emption he must file a declaration of his intention to purchase the land. After living upon the land for one year continuously and improving it, he must present proof at the land-office of his occupancy and improvement, and pay for the land at the Government price, which is $2.50 per acre within the limits of the land granted to railroads, and $1.25 outside of such grants.* No person can acquire any right of pre-emption who is the proprietor of three hundred and twenty acres of land in any State or Territory, nor who quits or abandons his residence on his own land to reside on the public land in the same State or Territory.

6. *Indian Reservations.*—Congress has set aside for the exclusive use of the Indian tribes, reservations on the Public Domain aggregating 154,436,362 acres.

7. *Military Reservations.*—For the use of the army of the United States, forts, barracks, etc., Congress has reserved 1,679,580.07 acres.

246. Income from the Public Domain.—The total income from the disposition of lands in the Public Domain up to June 30, 1889, was $262,079,181, or $89,901,979.32 less than the Public Domain has cost. The United States Government has received an immense return in the indirect income from the public lands which it has so freely granted.

247. The Boundaries of the United States.—The boundaries of the United States were not settled until

* The public lands of the United States are in Ala., Ark., Cal., Col., Fla., Idaho, Ill., Ind., Ia., Kan., La., Mich., Minn., Miss., Mo., Mont., Neb., Nev., N. D., Ohio, Ore., S. D., Wash., Wis., Wy., Ariz., N. M., Okl., Utah, Alaska, and make a total area of 567,586,783 acres. This is exclusive of Ohio, Indiana and Illinois in which only a few isolated tracts of vacant land remain. It is also exclusive of Alaska (369,529,600 acres); of military and Indian reservations; and of reservoir-site, timber reservations, and unsettled railroad grants and claims.

1872. Different sections of the boundaries of the nation were settled by the following treaties:

1. The Atlantic boundary, from 31° north to the St. Croix River, was determined by treaty with England, September 3, 1783.

2. The source of the St. Croix River was determined by treaty with England, March 15, 1798; and the present boundary-line from the Atlantic Ocean to the river St. Lawrence was established by the Webster-Ashburton treaty with England, August 9, 1842.

3. The boundary from the river St. Lawrence to Lake Superior was settled, according to the terms of the treaty of Ghent with England, by a commission that assembled at Utica, New York, June 18, 1822.

4. From the western point of Lake Huron to the Lake of the Woods the boundary was fixed by the Webster-Ashburton treaty with England, August 9, 1842.

5. From the Lake of the Woods to the Rocky Mountains the boundary was determined (1) by the treaty of London, with England, October 20, 1818; and (2) by confirmation of this treaty by the Webster-Ashburton treaty of August 9, 1842.

6. From the Rocky Mountains to the Pacific Ocean the boundary was determined with England, by the decision of the emperor of Germany as arbiter, October 21, 1872.

7. The seacoast boundary of Florida was determined by treaty with Spain, February 22, 1819.

8. From Florida to Texas the boundary was determined by treaty with France and the Louisiana Purchase, April 30, 1803.

9. The southern boundary of Texas was determined by the Mexican War, the treaty with Mexico and the annexation of Texas, December 29, 1845.

10. From the Rio Grande to the Gila River the boundary was fixed by treaty with Mexico and the Gadsden Purchase, December 30, 1853.

11. From the Gila River along the Pacific coast to the 42d parallel the boundary was determined by the treaty with Mexico at Guadalupe Hidalgo, February 2, 1848.

12. The Pacific-coast boundary, from 42° to 49° north, was determined (1) by Gray's discovery, 1792; (2) settlement by Americans in 1811; (3) by treaty with Spain, February 22, 1819.

13. The boundaries of Alaska were determined by treaty and purchase of Alaska from Russia, March 30, 1867.

248. Rapid Growth of the Nation. — The rapid growth of the United States in area and in population, in wealth of all kinds, in educational facilities, means of transportation, agricultural resources, manufacturing and mining, has been unparalleled in modern times.

In 1790 the population numbered 3,929,214; in 1900 it was nearly 80,000,000.

In 1790 this population was scattered in a thin line along the Atlantic seaboard; a century later it had spread over the continent.

In 1790 the area of the United States was 830,000 square miles; a century later, including Alaska, it had become 3,616,484 square miles.

The Government of the people of the United States during the nineteenth century was determined in its character and its destiny by two important events: one, the abolition of property qualifications, of religious tests and of human slavery, resulting in the creation of a suffrage in this country almost universal; the other, the acquisition of the National Domain, which imparts to the people of the United States a geographical unity.

THE CAPITOL AT WASHINGTON, D. C.

CHAPTER III.

THE LAW-MAKERS AND THE LAWS.

249. Sources of Our Laws.—When the authority of the king of England was overthrown in America, the people became the source of law, and they have delegated this power to the State legislatures and to Congress. In order to make plain the powers thus delegated, the State constitutions and the Constitution of the United States declare what law-making powers exist in the State and in the national legislature. The Constitution thus becomes the guide in all law-making.

The council of a city makes the laws for the city. The State legislature makes the laws for the State. The Congress of the United States makes the laws for the nation. Its laws are called acts. An act or law of Congress, if in conformity with the Constitution of the United States, becomes one of the supreme laws of the land until it is repealed by Congress or expires by limitation of time.

But our laws really are made by the people, because the law-makers are the representatives of the people.*

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* Local-Option and Prohibition Laws.—The evils of intemperance have led to organized efforts in various States to control the manufacture and sale of intoxicating liquors. The legislatures of some of the States have passed laws restricting or prohibiting the manufacture and sale of alcoholic liquors. These laws have been sustained by the Supreme Court of the United States as constitutional and within the power of a State legislature. In other States the legislatures have enacted laws by which the restriction or prohibition of the sale of liquor is left to the vote of the electors in each county, town or township.

250. The Congress.—When our national Constitution was under discussion in 1787 two political parties were in the Convention: one party wished to base the Constitution upon the States; the other wished to base it upon the people. By a peaceful compromise both methods were followed in the organization of our national legislature. The Congress has two houses: one, the Senate, represents the States; the other, the House of Representatives, represents the people—the two comprise the national legislature. The two branches of the legislature must act together in making a law.

251. The House of Representatives.—Once in two years the electors in each State choose members of the House of Representatives. Any person who by the law of the State is qualified to vote for a member of the lower house in the State legislature may vote for a Representative in Congress. The election of Congressmen throughout the Union, with few exceptions, is held on the Tuesday after the first Monday of November.*

252. Qualifications of a Representative.—A Representative must be twenty-five years of age, a citizen of the United States seven years, and an inhabitant of the State in which he is elected. National citizenship is of more importance than State citizenship in the qualifications of a Representative: he may not have resided in the State long enough to gain a State residence, but he may be qualified as a citizen of the United States to become a member of the House of Representatives.

253. Number of Representatives.—The membership of the House is fixed by act of Congress. Originally there

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The sale of liquor is thus determined by the option of the locality voting, and such localities are said to exercise "local option." Efforts have been made to amend the Federal Constitution and the constitutions of several of the States by adding a clause forbidding the manufacture, sale or importation of alcoholic liquors.

* See Table, p. 296.

was one Representative for every 30,000 inhabitants. Population has increased so rapidly that had this apportionment continued the present membership of the House of Representatives would be over eighteen hundred. To avoid so great a number, Congress every ten years reapportions the representation. From 1893 till 1903 the membership is one Representative for every 173,901 inhabitants, and Congress apportions its present number, 357 members, among the States. The legislature of each State divides the State into as many Congressional districts as it has Representatives in Congress.*

254. Vacancies in the House.— When a vacancy occurs in the representation of any State the governor of that State calls a new election, and the people choose a person to fill the vacancy.

255. Officers of the House of Representatives.— The House chooses its own officers, consisting of a Speaker—who is a member of the House—and a clerk, a sergeant-at-arms, a doorkeeper, a postmaster and a chaplain, who are not members of the House.

The Speaker is the principal officer of the House. He is chosen by his fellow-members, and usually by the members of his own party only. He is the third officer in the Government in rank, and as he represents the people and names all the committees of the House, thus shaping legislation, he is next to the President in power. When the Speaker is about to be elected the clerk of the last House presides until the election has been made. Members of the House draw lots for their seats, but members of the same political party sit on the same side of the hall.

The clerk keeps all the business of the House in order, but has nothing to do with the making of the laws.

The sergeant-at-arms is the police officer of the House and sees that good order is observed. During the session,

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* See Table, p. 291.

behind his seat, stands the symbol of the power of the House of Representatives, a slender bundle of ebony sticks bound about and tied with silver bands. Each stick ends in a spear-head, and in the midst of the bundle of spears projects a short column surmounted by a silver globe upon which stands a silver eagle with outspread wings. This symbol of power is known as the "mace." It rests upon a marble standard when the House is in session, and is taken down when the session closes. In case of disorder in the House, or disturbance among the members, the sergeant-at-arms takes down the mace and moves toward the place of disorder. At sight of the mace every Representative becomes orderly. He knows that this ancient symbol, used for centuries in the Roman Senate, is the symbol of the power of the people of the United States.

The doorkeeper has charge of the room of the House of Representatives.

Each daily session of the House is opened with prayer by the chaplain.

256. Oath of Office.—As soon as the Speaker is elected he is escorted to the Speaker's chair by the member of the House who has served the greatest number of terms—called on that account "the father of the House"—who administers the oath of office to the new Speaker. The Speaker then administers the oath to the new members, who come up before him by States for that purpose. The oath is a solemn promise to support the Constitution and the laws of the United States and to perform the duties of office faithfully, with the help of God. The oath is taken by every member at the beginning of the session. The House is now ready for business, and the Speaker announces the committees he has chosen, fifty-four in number. The leading committees are — Ways and Means, Banking and Currency, Appropriations, Commerce, Rivers and Harbors, Foreign Affairs, Railways and Canals, Man-

ufactures, Education, Labor, Patents, Pensions, Claims, Expenditures in the Various Departments, Enrolled Bills, Agriculture and Elections.

257. The Senate.—The Senate of the United States is composed of two Senators from each State, chosen by its legislature for the term of six years. Each Senator has one vote. Several instances are on record of a Senator serving for four consecutive terms.

258. Qualifications of a Senator.—A Senator must be thirty years of age, a citizen of the United States for nine years, and an inhabitant of the State for which he is chosen.

259. Vacancies in the Senate.—If a vacancy occurs in the Senate during a recess of the State legislature, the governor of the State appoints a person to act as Senator until the legislature meets and fills the vacancy.

260. Officers of the Senate.—The officers of the Senate are the President, the secretary, the sergeant-at-arms, the chaplain, the postmaster, the librarian, and the doorkeeper. None of these are members of the Senate.

The Vice-President of the United States, elected by the people, is the President of the Senate, but he has no vote unless the Senate is equally divided. The other officers are chosen by the Senate, and their duties are similar to the duties of corresponding officers in the House of Representatives.

261. Oath of Office.—The Vice-President of the United States, when inaugurated, takes the oath of office, and when he meets with the Senate on the first day of the session he administers the oath to the new Senators, who swear to support the Constitution and the laws of the United States.

262. The President pro tempore.—As the Vice-President may become President of the United States, and as he may sometimes be absent from the Senate chamber, it might happen that the Senate would have no presiding

officer. To avoid this difficulty the Senate, on the first day of the session or at such time as it pleases, elects, out of its own body, a president *pro tempore*, who presides when the Vice-President is absent.

263. The Committees.—The committees of the Senate are not appointed by the Vice-President, but by a special committee from the Senate itself. The Senate committees change but little from year to year, and the Senator of the majority party longest on a committee is generally its chairman. The leading committees of the Senate are Commerce, Finance, Foreign Relations, Inter-State Commerce, Judiciary, Executive Departments, Railroads, Immigration, Pensions, Public Lands, and Military and Naval affairs.

264. The Rules.—Each house makes its own rules, is the judge of the elections, returns and qualifications of its own members, and a majority of each house constitutes a quorum to transact business. There are also joint rules agreed to by both houses for mutual convenience.

265. The Journal.—Each house keeps a journal of its proceedings, and publishes it from time to time, except such parts as in its judgment require secrecy.

266. The Session.—Each Congress continues two years and has two sessions. The first session, usually called the "long session," begins on the first Monday in December in the odd years, and continues until adjourned by vote of the two houses. The second session, usually called the "short session," begins on the first Monday in December of the even year and continues until noon of March 4th following. Neither house during the session of Congress may, without the consent of the other, adjourn for more than three days nor to any other place than that in which the two houses are sitting. The sessions of Congress, except the executive sessions of the Senate, are open to the public. Each house convenes at twelve o'clock, noon, and the daily session usually continues from four

to six hours. The President may convene either or both houses on extraordinary occasions.*

267. Impeachment.—The House of Representatives has the sole power of impeachment, and the Senate has the sole power to try all impeachments. If the House believes that an officer of the Federal Government should be impeached, it appoints a committee called the "managing committee," which presents the articles of impeachment before the Senate. In case of an impeachment the Senate sits as a court and its members are on oath or affirmation. If the President of the United States is on trial, the chief-justice of the Supreme Court of the United States presides in the Senate. In all other cases the Vice-President or President *pro tempore* presides. It would not be safe to allow the Vice-President of the United States to preside in the trial of the President, because he might be anxious to succeed to the Presidency, and therefore might decide contrary to the evidence presented by the House of Representatives. By constituting the chief-justice of the United States the presiding officer this temptation is removed.

The first case of impeachment before the Senate, that of Senator William Blount in 1799, determined that only "civil officers" under the Constitution can be impeached, and that a United States Senator is not a civil officer. The cases that have come before the Senate since that time are—1803, Judge John Pickering of the District Court of the United States, who became insane, was tried and acquitted; 1804, Judge Samuel Chase of the Supreme Court, removed; 1830, Judge James H. Peck of the Federal District Court, acquitted; 1862, Judge W. H. Humphries of the

* The first session of the Fiftieth Congress began Monday, Dec. 5, 1887, and adjourned Oct. 20, 1888, being the longest session in our history. The second session began Monday Dec. 3, 1888, and adjourned March 4, 1889.

Federal District Court, convicted and disqualified from holding any office of honor, trust or profit under the United States, because found guilty of treason; 1868, President Andrew Johnson, acquitted; and 1876, Secretary of War W. W. Belknap, acquitted. A person impeached under the Constitution and convicted, is liable also to indictment, trial, judgment and punishment according to law. Each house, with the concurrence of two-thirds of its members, may expel a member or otherwise punish him for a breach of its rules.

268. Compensation of Congressmen.—Senators and Representatives are paid $5000 per annum, out of the Treasury of the United States. In addition to his salary each Congressman is allowed $125 a year for postage, stationery and newspapers; and *mileage*, which is an allowance of twenty cents a mile for travelling expenses in going to and returning from a session of Congress.

The reason for paying members of Congress from the national treasury is to make them independent of State influences, to enable them freely to consider the interests of the nation and not of their constituencies alone, and to enable men of limited means to become members of the national legislature. If there were no salary, Congress might become a body of wealthy men only, who might ignore the wants of their poorer fellow-citizens.

269. Peculiar Rights of Congressmen.—The national law-makers are amenable to the laws of the country, but except for treason, felony, or breach of the peace* they are privileged from arrest while attending a session of Congress and in going to or returning from a session.

For any speech or debate in either house a Congress-

* A felony is a crime punishable by death or long imprisonment, usually in a State penitentiary. A breach of the peace is a violation of public order amounting to a misdemeanor, and is punishable by fine or short imprisonment.

man cannot be questioned in any other place; he has full liberty of speech, subject to the rules of the house to which he belongs. If Congressmen were not peculiarly protected in this way, they might be detained on false pretences from attending the session of Congress, and if not free to speak and debate in Congress their action would be restricted; outside influences would control the business of Congress and law-making would become forced legislation.

270. Cannot Hold Two Offices.—While a member of Congress no Senator or Representative can hold any civil office under the Government of the United States, nor can any person holding any civil office under the United States at the same time become a member of either house. A member of Congress may be a State officer, unless the constitution of the State forbids; but a member of the President's Cabinet cannot while a Cabinet officer become a Senator or a Representative. This is unlike the provision prevailing in the British Government, which allows a Cabinet minister to be a member of Parliament. Nor can a member of Congress during his term of service hold an office that he has helped to create, otherwise members might be tempted to make remunerative offices for their own benefit. Another restriction on members of the national and of the State legislatures is against bribery: members found guilty of receiving bribes may be expelled and disqualified from holding office. If a citizen requests service from a Congressman—unless it be as an attorney-at-law, and even for some legal services a Congressman cannot accept pay, such as obtaining a pension—the law provides that he shall receive no pay. He is a public servant. But Congressmen have many pressing public duties, and should not be troubled by applications and personal matters of a trifling nature.*

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* THE LOBBY.—Persons interested in obtaining the enactment of laws for their own benefit often frequent legislative halls for the pur-

271. Titles.—Every member of Congress is addressed as "Honorable," and if the address is written the house to which he belongs is indicated; as, Hon. J. E. Reyburn, M. C.—*i. e.* Member of the House of Representatives—or, Hon. John Sherman, U. S. S.—*i. e.* Member of the Senate of the United States.

272. Revenue Bills.—All bills for raising revenue must originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. A bill for raising revenue is a bill for levying taxes; the Senate may originate a bill which requires the expenditure of money, but the House levies the tax required by that particular bill.

273. How the Laws are Made.—The laws of Congress are made in a uniform manner. If a bill is introduced by a member of the House of Representatives, the Speaker at once refers it to the proper committee.* The member gives the bill to the clerk of the House, who hands it to the clerk of the committee. Each committee has a room for consultation, and there, at the committee's pleasure, the bill is taken into consideration; if the committee delay too long in considering it, the member makes inquiry about his bill. If the committee are favorable to the bill, they report this decision to the House. Reports from standing committees are usually called for at each daily session of the House, and they have

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pose of influencing the votes of legislators. Such influence may be legitimate, but it is usually pernicious. "Lobbying" is the name given to such influence by way of reproach. Lobbying may become the bribery or the intimidation of legislators, and defeat the very end of good government—the free expression of the will and the welfare of the people.

* Any citizen of the United States may originate a bill and send it to a member of Congress, who introduces it or places it before Congress for its action. Many of the laws made by Congress have their origin in bills presented by request or petition of private citizens. This shows how closely the Government represents the immediate will of the people

precedence over other business, unless some particular business is made the order for the day by vote of the House. When the report of the committee is received, the clerk takes the bill as the committee report it, and has it printed for distribution among the members. The bill is read three times by the clerk on three separate days; the House may order the three readings to be all on one day, but if a single member objects it must be read on three separate days. After the second reading it is debated and amendments may be made. The clerk then engrosses the bill, and reads it a third time to the House, when it is voted upon as an entire bill—that is, as it has been amended—and if it receives a majority of the votes of all the members, it is passed. The bill is then taken by the clerk to the Senate, to which body the clerk in a formal manner announces that the bill has been passed by the House and that the concurrence of the Senate is desired.

The President of the Senate refers the bill to the committee of the Senate having such bills in charge, by whom it is duly considered and reported to the Senate. The secretary of the Senate reads the bill three times on different days; the Senate may order the three readings to be all on one day, but if a single Senator objects it must be read on three separate days. After the second reading it is debated. The Senate may amend by adding to or by taking from the bill as it came from the House. After the amendments are made and additions to the bill are engrossed the bill is read the third time, and if agreed to by a majority of all the Senators it is passed by the Senate.

The secretary of the Senate takes the bill to the House, by which the Senate amendments, if any, are debated; but the original bill, having been once debated by the House, is not again the subject of debate. If the amendments made by the Senate are agreed to by the House, the bill is passed finally. In both houses, on the

final passage of a bill, the vote is taken by "yeas and nays," and the names of the members and the way they voted are entered on the journal of each house respectively. When the House has adopted the amendments as made by the Senate, the clerk of the House so informs the Senate, and the committee of the House known as the Committee on Enrolled Bills causes the bill to be accurately written in large script on parchment. The Speaker of the House signs this enrolled bill, and informs the representatives of his official action. Again the clerk of the House carries the now enrolled and partially signed bill to the Senate, and declares to that body that the Speaker of the House has signed the bill. The President of the Senate signs the bill, stating the fact to the Senate. The bill is then returned to the House, where it goes to the Committee of Enrolled Bills, who carry it to the President of the United States for his signature. If he approves of the bill, he signs it, and sends his private secretary to the House announcing the fact. The President of the United States takes the bill and in person gives it to the Secretary of State, who causes it to be deposited among the archives of the Department of State, first having an accurate copy or copies made of the bill by the public printer. The bill has at last become a law. If the bill originates in the Senate, the Senate takes the initiative in every step of the history of the bill, and the President, having signed it, reports that fact to the Senate instead of to the House. All that now remains is for the President to see that the law is faithfully executed.

If the President of the United States does not approve of the bill, he returns it to the house in which it originated, with a message setting forth his objections to the bill and his reasons for not signing it. If any bill is not returned by the President within ten days (Sundays excepted) after it has been presented to him, the bill becomes a law without his signature, unless Congress by adjourn-

ment prevent its return. If he returns the bill unsigned, he is said to *veto* the bill, but if two-thirds of each house repass the bill over the *veto*, it becomes a law without the President's signature. Congress then sends the law to the Department of State, and the President is bound by his oath of office to see that the new law is "faithfully executed."

State legislatures and city councils make their laws in the same manner as Congress. The veto power of the governor of a State and of the mayor of a city is similar to that of the President of the United States, and the action of the State legislature and the city council on a vetoed bill is similar to that of Congress.

In the making of a law all the purposes of our political machinery are made plain. The caucus, the campaign, the election, the induction into office, the oath, the division into political parties, the divisions of the powers of government, the exercise of political rights, are merely for the purpose of making a law. It follows, therefore, that the laws of a people are a complete expression of their civil government.

The government by Congress is government by committees of the two houses. These committees determine the form and much of the character of our laws. The debates are a discussion of the reports of the various committees. A committee may send for persons and papers; it hears evidence; listens to pleading from the advocates and the opponents of measures before it; and its report usually decides the fate of the measure. In the business of legislation, both in Congress and in the States, the committees are the principal factor. By possessing the power to appoint the committees, the Speaker of the House becomes, in many respects, the most influential citizen of the republic.

CHAPTER IV.

WHAT CONGRESS MAY DO.

274. Powers Granted to Congress.—The powers granted to Congress by the people have always been a matter of dispute between political parties in this country. One party, favoring a strict construction of the Constitution, has favored State rather than congressional legislation, limiting Congress to matters which are strictly of general or national concern. The party favoring a liberal construction of the Constitution has advocated the transfer to Congress of legislation which might be done by the States, thus favoring congressional rather than State legislation. The subjects of congressional legislation are stated in the Constitution.

275. Taxes.—Congress has power to lay and collect taxes, duties, imposts and excises in order to pay the debts of the United States and to provide for the common defence and the general welfare of the country, but all duties, imposts and excises must be uniform throughout the land. The essential weakness of the old Confederation was the inability of Congress to levy taxes for any purpose whatever. The right to tax is a supreme right which carries with it sovereign power. The Constitution allows Congress to tax in several ways: by a direct tax upon the people, just as a State levies a State tax; by an indirect tax upon the people by the levying and collecting of customs or duties on imports; and by excises or taxes upon home manufactures.

The revenue of the United States at present is derived almost entirely from the duties on imports and from the

internal revenue, the latter arising from the taxation on banks and on the manufacture and sale of alcoholic liquors and tobacco.

276. Public Credit.—Congress may borrow money on the credit of the United States. If a sudden necessity for money should arise, taxation would bring the required money into the treasury but slowly, and the country might be endangered by delay. To avoid this danger, Congress is empowered to pledge the faith of the people and to borrow money at home or abroad. The national debt is a claim against the United States by those persons who have loaned money to the Government. The credit of the United States is so good that the evidences of this debt, called Government bonds, are worth more than their face and are much sought for as an investment.

277. Commerce.—Congress has the exclusive right to regulate commerce with foreign nations, among the several States and with the Indian tribes. No State can refuse to admit the products of another State or levy duties on them. Trade between the people of the United States must be absolutely free.

278. Naturalization.—An alien or foreigner who becomes a citizen of the United States is a naturalized citizen, and acquires all the rights and privileges of a native-born citizen excepting eligibility to the Presidency. Congress alone has the power to pass laws regulating the naturalization of foreigners. A foreigner may become a citizen of the United States, as follows:

1. He must make application for citizenship by declaring his intention to become a citizen of the United States.

2. He must make oath, or affirmation, that this is his intention, and that he voluntarily renounces all allegiance to the government of which he had heretofore been a citizen. A person cannot be a citizen of two governments at the same time.

3. He must make application for citizenship at least two years before he can receive his final naturalization papers.

4. He must prove before the court that he has resided in the country five years.

The children of American citizens born abroad are American citizens; children of foreigners residing in this country and born here may elect their allegiance.*

Aliens having served one year in the United States army, and having been honorably discharged, can become citizens by taking the oath of allegiance to the United States.

279. Bankruptcy.—Congress has power to pass a law by which insolvent debtors may settle their affairs. Four such laws have been passed by Congress: the first in 1800, repealed in 1803; second in 1841, repealed in 1843; third in 1867, repealed in 1878; and fourth in 1898. Many of the States have passed bankrupt laws of their own, but a uniform method of settling the affairs of insolvent debtors is preferable to a different method for each State.

280. Money.—Congress alone has the authority to coin money, to regulate its value and the value of foreign coin, to fix the standard of weights and measures, and to provide for the punishment of counterfeiting the coin and the securities of the United States.

Counterfeiting the coin of the United States is a felony. Congress in 1864 passed a law against counterfeiting the coin and securities of the United States, and fixed the pen-

* There are more than twenty million foreigners in the United States, and the number is constantly increasing. This foreign population contains elements of weakness as well as of strength for the nation: in recent years the immigration has been to a large degree of an undesirable class of foreigners, who do not understand, and who are not in sympathy with, the Government of the people of the United States. Many thoughtful persons have concluded that while all industrious, sound-minded and physically healthy people from foreign lands, who are intelligent enough to appreciate the privileges of American citizenship, are welcome to our shores, yet it is about time to discriminate between the moral and the vicious, the sound and the unsound, who in constantly-increasing numbers are seeking homes in this country.

alty at a maximum fine of five thousand dollars and imprisonment for not more than ten years. The laws against counterfeiting also protect foreign coin and securities.

281. Weights and Measures.—To aid in fixing the value or price of things it is necessary to have a standard of weights and measures. In Guildhall, the ancient city-hall of London, may be seen several brass strips set in the floor. These strips are the standard lengths for England of the foot, the yard, the fathom and the rod. In the same hall may be found standard weights and measures of volumes. In 1827 the United States Government obtained accurate copies of the English standards, and adopted them as the standards for this country. In 1866 the metric system was made permissive by act of Congress, but it is practically limited in its use to scientific men, and has never become popular.

282. The Mails.—The mails represent vast interests and require direction and control by a single authority. This authority is vested in Congress. Our common expression, "the United States mail," recognizes this authority Congress authorizes the creation of mail-routes and opens post-roads, a term that a century ago, before the introduction of railroads, signified much more than at present. The post-road has disappeared with the post-boy, and most mail matter is now carried in mail-trains.

283. Science and Art.—Congress appropriates large sums of money to promote the progress of science and to apply the results of costly investigations for the benefit of the people. It has equipped numerous exploring expeditions for the purpose of ascertaining the best commercial routes over the ocean; expeditions to observe transits of the planets and eclipses of the sun; commissions to study the methods of increasing and preserving natural foods, such as the oyster in our bays, and the fish along our coasts and in our lakes and rivers. The fish commission, the life-saving service, the lighthouse service, the inspection of steam and

of sailing vessels, the enforcement of quarantine regulations, and the organization of commissions to investigate questions of grave public interest, such as the cause and the control of pestilences and epidemics, are illustrations of the measures taken by Congress to promote the progress of science. The principal scientific institution supported by Congress is the Smithsonian Institution.*

To promote the progress of science and useful arts authors and inventors for a limited time have the exclusive right to their writings and discoveries. Congress alone can pass laws for their protection, which are known as the laws of copyright and of patents.

284. Copyrights.—An author may copyright a book, map, engraving, photograph, chart or musical composition, and thereby obtain the exclusive right to print, publish and sell such a production for twenty-eight years, with the privilege of renewing the right for fourteen years longer, or forty-two years in all. Copyrights are secured through the librarian of Congress, Washington, D. C.

285. Patents.—Patents are issued for four classes of inventions—arts, machines, manufactures and compositions of matter. The patent gives the inventor the exclusive right of making and selling his invention for the period of seventeen years, at the expiration of which time the patent may be renewed by any improvement in the invention. Since 1790 more than three hundred thousand patents have been issued by the Patent Office, and the

*The Smithsonian Institution at Washington, D. C., was organized by act of Congress in 1846, in accordance with the will of James Smithson, an Englishman who bequeathed half a million dollars to the United States "to be devoted to the increase and diffusion of knowledge among men." The institution is controlled by the Federal Government, and possesses a spacious building with museums, libraries, lecture-rooms and laboratories. It publishes valuable works in various departments of science, and distributes scientific collections all over the world. It takes the lead in scientific work in the United States.

number now granted yearly is about twenty thousand. Applications for patents are made to the Commissioner of Patents, Washington, D. C.

286. International Copyright.—The authors of England and America, as early as 1819, sought to have Congress and Parliament pass international copyright laws. The writings of an English author were republished in America, and those of an American author were republished in England, without the author's consent and without remuneration to him, unless by the courtesy of the publisher. In 1837, Henry Clay presented a petition from British authors asking for copyright protection. Repeated efforts to procure such legislation were in vain until the passage of the act of Congress of March 4, 1891, which gives to authors, whether native or foreign, the exclusive control of their own works, provided that their books are printed in the United States from type set in this country.

287. Inferior Courts.—Congress, having the power to create courts inferior to the Supreme Court, has constituted the United States Appellate Courts, the United States Circuit Courts, the United States District Courts, the United States Court of Claims, the Court of the District of Columbia, Territorial Courts and Consular Courts.*

288. Piracies.—Piracy was more common a century ago than now, because all civilized countries have united to clear the seas of such offenders. Piracy is a crime, and its definition and punishment are determined by the laws of Congress. The chief piracy of modern times is the slave-trade, which still maintains its stealthy and wicked course between Africa and slave countries.

289. War.—Congress alone can declare war against any other power and grant letters of marque and reprisal, which are commissions granted by Congress authorizing seizures on the high seas of property belonging to a public

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* See ¶ 358, p. 202.

enemy. As the action partakes somewhat of the nature of piracy, letters of this kind are seldom granted by modern civilized nations.

290. The Army and Navy.—Congress has power to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. No appropriation of money for military and naval purposes can be made for a longer term than two years.

Abuses in government generally arise from the unlawful use of the military power of the state. Our Constitution carefully guards against such danger by placing the creation and the support of the army and navy in the hands of Congress, and by limiting their support to two years. The long experience of England led to this provision in our Constitution. In practice the appropriations for the army and navy are made annually.*

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* **The Army** of the United States (January, 1902) consists of 1 lieutenant-general, 7 major-generals, 23 brigadier-generals, 102 colonels, 122 lieutenant-colonels, 358 majors, 1097 captains, 1181 first lieutenants, 900 second lieutenants, 48 chaplains, with rank of captain, and 77,287 enlisted men. In the signal corps, 35 officers and 760 enlisted men, and in the West Point Military Academy, 72 military and academic staff and 464 cadets.

The Army of the United States when in active service comprises the following: 15 cavalry regiments, 30 batteries of field artillery and 126 companies of coast artillery, 30 infantry regiments, 3 battalions of engineers, Signal corps, Scouts, and other special departments of the service.

There are twelve military departments and divisions in the United States, viz.:

Department of the East.	Department of the Colorado.
Department of the Lakes.	Department of California.
Department of the Missouri.	Department of Cuba.
Department of Texas.	Division of the Philippines.
Department of Dakota.	Department of North Philippines.
Department of the Columbia.	Department of South Philippines.

291. The Militia.—The male citizens of the States, between the ages of eighteen and forty-five years, are

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The President is *ex-officio* commander-in-chief of the army and navy of the United States, but the direction and control of the army is entrusted practically to the major-general in command.

Each general has an assistant adjutant-general, a quartermaster, and such other aids as he requires, who are detailed for the purpose.

Each regiment is commanded by a colonel, whose subordinates are the lieutenant-colonel and the major. Infantry regiments have ten companies and one major. The commanding officer of an infantry regiment has an adjutant, ranking as first lieutenant, who acts as secretary for the commanding officer, countersigns his written orders, and carries his verbal orders to the company officers. Each infantry regiment has a quartermaster, ranking as first lieutenant, who has charge of regimental supplies. Cavalry regiments have twelve companies and three majors, each major having immediate charge of a battalion of four companies. The commissary, ranking as first lieutenant, has charge of the food for the men, and the quartermaster has charge of all other supplies.

Each regiment of Infantry is divided into companies. Each company is commanded by a captain, whose subordinates are a first lieutenant, a second lieutenant and three grades of non-commissioned officers—a first sergeant, sergeants and corporals.

The army is kept up by voluntary enlistments for five years unless sooner discharged.

The laws in force concerning the army are known as "The Regulations for the Army of the United States."

In addition to the regular army Congress has power to call into service the militia of the United States, consisting of State troops, whose officers are appointed by the governors of the States from which they come. Regular army officers receive their commissions from the President. Although our regular army is small, Congress has at times called into the field very large bodies of men:

In the War of 1812, 471,622 men;
In the War with Mexico, 1846, 101,282;
In the Civil War, 1861, 2,859,132.

The annual expenditure for the support of the regular army, forts, arsenals, arms, etc., is about $90,000,000.

subject to service in the State militia unless exempted by law. The organized militia constitutes the National Guard,

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The Signal Corps is a department of the army organized to provide means of communication in military service at distances beyond the reach of the human voice. Under the system devised by Gen. A. J. Myer, and now in use in the army and navy, messages of any description and words and characters in any language can be sent by motions of flags by day and by torches and rockets at night as far as one man can by any means be made to see another. The telegraphic trains of the Signal Corps are managed by soldiers, who are drilled to march with, manœuvre, operate and protect them. The trains carry light telegraph lines which can be erected at the rate of three miles an hour.

The Navy of the United States consists of nearly 1800 commissioned officers of all grades, 20,471 enlisted men and boys, who man over two hundred vessels—battle-ships, armored cruisers, cruisers, monitors, torpedo-boats, and tugs, some of them the most efficient in the world—and carrying over a thousand modern guns. The officers of the navy consist of: 1 admiral, 22 rear-admirals, 73 captains, 117 commanders, 175 lieutenant-commanders, 306 lieutenants, 78 junior lieutenants, 127 ensigns, 124 naval cadets, 190 members of the medical corps, 136 members of the pay corps, 24 chaplains. The naval force also includes the professors of mathematics at the Naval Observatory, the naval constructors, the civil engineers, warrant officers—*i. e.*, boatswains, gunners, carpenters, pharmacists and sail-makers. There are 200 officers in the marine corps, corresponding in rank to officers in the regular army.

The navy is scattered about the world at various stations: The European, the Pacific, the North Atlantic, the South Atlantic, and the Asiatic station; at the navy-yards or wherever ordered by the Government.

The annual appropriation for the support of the navy, navy-yards, naval school, etc., is about $75,000,000.

West Point.—The United States Military Academy was first suggested by Alexander Hamilton, was favored by Washington, and was founded in 1802. One cadet is allowed in the academy for every senator, or delegate to the House of Representatives, appointed at his nomination, one for the District of Columbia, and thirty appointed by the President of the United States. Appointments are made about a year before the date of admission, and the examination of candidates is usually competitive. Having passed the preliminary examination, the candidate presents himself at the academy for admission. He must be between seventeen and twenty-two years of age, at least five

which is trained by State officers according to a military system approved by Congress. The geographical position of the United States and its form of government free the country from the burden of a large standing army so common in European countries. Sometimes trained soldiers are needed to assist the civil authorities in sup-

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feet in height, of sound body and mind, and must pass a satisfactory examination in reading, writing, orthography, arithmetic, grammar, geography and history of the United States. The course at the academy covers four years, and is conducted by officers from the regular army detailed for the purpose. The course includes mathematics, French, Spanish, drawing, the natural sciences, rhetoric, history, international, constitutional and military law, tactics of all arms of the service, civil and military engineering and the science of war. More than one-fourth of the candidates fail to pass the preliminary examination, and about one-half of the remainder fail to graduate. The instruction is of a high grade; the discipline is very strict, even more so than in the army. Each cadet binds himself to serve the United States eight years from the time of his admission into the academy. The pay of a cadet is $540 per annum. The annual appropriation for the support of the academy is about $300,000.

Annapolis.—The United States Naval Academy at Annapolis was suggested by George Bancroft while Secretary of the Navy, and was founded in 1845. One cadet is allowed in the academy for every member or delegate in the House of Representatives, appointed at his nomination, one for the District of Columbia, and ten appointed by the President of the United States. Twenty-five cadets are admitted each year after competitive examination of candidates from fifteen to twenty years of age. The course of study covers six years, of which two are spent at sea. Cadets receive $500 per annum, and upon graduation the ten graduates passing the best examination, and as many more than ten as there are vacancies in the several departments, are appointed either assistant engineers in the navy, ensigns, or second lieutenants in the marine corps. The remaining graduates are honorably discharged with one year's sea-pay. The course of instruction ranks with that at West Point, is conducted by naval officers, and consists in the studies of mathematics, steam-engineering, the natural sciences, seamanship, ordnance, history, law and language. The yearly appropriation for the support of the academy is about $227,000.

pressing riots. The State militia is always ready for such service, and constitutes an army of defence quickly called into action. The State militia may be called into the service of the United States, in which case it is subject to the orders of the President and is cared for by Congress like the regular army.

292. The District of Columbia.—Congress has exclusive control of the District of Columbia: the civil government of the District is vested by act of Congress of 1878 in three commissioners, two of whom are appointed by the President, with consent of the Senate, for three years, and the third is an officer of the army belonging to the engineer corps, detailed by the President for this service. All interests of the District are under the control of this commission. The expenses of the District government are equally divided between Congress and the people of the District. Inhabitants of the District of Columbia cannot vote.

293. New States and Territories.—Congress organizes the Public Domain into Territories, makes laws for their government and admits new States into the Union at its discretion. For many years the admission of States was in pairs to preserve in Congress the balance of political power between the free and the slave States. Since the abolition of slavery Congress has generally admitted new States as rapidly as the territorial population permitted, but under the influence of party political feeling the admission of a new State has sometimes been unduly delayed.*

294. The Supreme Power of Congress.—Congress is empowered by the Constitution to make all laws necessary for carrying into execution the powers vested by the Constitution in the Government of the United States or in any department or officer of the Government.

The clause of the Constitution granting this supreme

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* See Table, p. 294.

power has long been called "the sweeping clause," and is often quoted as authorizing Congress "to do anything and everything." The clause means that Congress may pass any "necessary law" "for the complete and efficient execution" of its powers. Louisiana was bought in 1803, the Mesilla Valley was purchased in 1853, and Alaska in 1867, although the Constitution contains not a word empowering Congress to buy territory. It may be said that Congress, to promote the general welfare of the people, may do anything that is not expressly forbidden by the Constitution.

"The Constitution is intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."*

But in order that Congress may not abuse its powers the Constitution plainly sets forth certain limitations to its authority which distinctly declare what Congress may not do.

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* Chief-Justice Marshall.

CHAPTER V.

POWERS DENIED BY THE PEOPLE TO CONGRESS AND TO THE STATES.

295. Rights of the People.—The Constitution provides that the enumeration of certain rights granted to Congress shall not be construed to deny or disparage other rights retained by the people. This means that the people keep to themselves all rights and powers that they have not granted to Congress. State legislatures are limited in the same manner. The long struggle of five centuries and more in England and in this country for the realization of rights has taught men to prize them so highly as not to endanger them by allowing even the representatives elected by the people to exercise certain of them. The Constitution declares that these are "retained by the people."

296. Personal Liberty.—The privilege of the writ of *habeas corpus* cannot be suspended unless when, in case of rebellion or invasion, the public safety may require it. Congress cannot interfere with the personal liberty of a citizen except by due process of law. It cannot pass any law by which the liberty of a person is endangered. Illegal imprisonment was one of the chief complaints against King John. President Lincoln suspended the writ of *habeas corpus* in this country in 1863 as a war measure, but its suspension was authorized by Congress. Several State constitutions declare that the writ shall never be suspended by the State.*

297. Bills of Attainder—Ex Post Facto Laws.—Congress cannot pass any bill of attainder or *ex post facto*

*See ¶ 61, p. 36.

law. A bill of attainder in English legislation was the extinction of the civil rights of a person who had been executed for treason or felony, so that his legal heirs could not inherit his estate, but it was forfeited to the Crown.

The Supreme Court of the United States has said that "an *ex post facto* law is one that creates or aggravates crime, or increases the punishment, or changes the rules of evidence for the purpose of conviction." If a person commits a crime he may be punished according to the law existing at the time of its commission. The penalty for counterfeiting the coin of the United States is a fine not exceeding five thousand dollars and imprisonment for a term not exceeding ten years. If a man is convicted under this law, Congress cannot pass a law changing his punishment, for that would be fixing the penalty after the deed is done, or an *ex post facto* law. A person has the right to know what consequences follow his acts before he commits them.

298. Proportional Taxation.—The census taken every tenth year enumerates the people. If Congress lays a direct tax upon the people, the tax must be proportional to population. A direct tax is a tax on land or a poll tax. A tax of one dollar a head on every citizen of the United States would be a direct proportional tax, but a land-tax of one dollar an acre on every acre of land in the United States, while it would be a direct tax, would not be a proportional tax, because land has not the same value all over the country. A tax of one dollar an acre in South Carolina or Texas would be a higher tax than a tax of one dollar an acre in New York or Pennsylvania, where land is of greater value per acre than in the two Southern States mentioned. Congress has frequently levied direct taxes.

299. Internal Trade Free.—Congress cannot levy a duty or excise upon the internal trade and commerce of the country. To a citizen of the United States all internal trade must be free. States cannot collect customs.

300. Impartial Laws of Commerce.—Congress can pass no law that gives a preference to the ports of one State over those of another. Vessels to or from one State cannot be obliged to enter, clear or pay duties in another State.

301. Paying Out the People's Money.—The annual expenditure of money by Congress for the expenses of the United States Government amounts to many millions of dollars. (*See note page 213.*) Before any of this money can be paid out Congress must pass an act expressly authorizing the expenditure. Extreme care is necessary in public financiering lest public money be lost or wasted. Congress has no right to squander the people's money. An appropriation bill is made with great attention to detail, for the treasurer of the United States pays out money exactly as provided in the appropriations made by Congress.

302. Titles of Nobility—Gifts.—Republican simplicity and equality are characteristic of our entire Government. Both Congress and the States are forbidden to grant any title of nobility either to a citizen of the United States or to a citizen of any other country. We believe that all men are created free and equal, and the citizen of the United States enjoys the highest nobility in possessing this freedom and equality. Nor can any person holding an office of trust or profit under the United States accept any gift or title or emolument of any kind whatever from any king, prince or foreign state without the consent of Congress. An Eastern prince once presented to President Van Buren some beautiful jewels, but he could not receive them, and they still lie in the treasury of the United States.

303. Freedom of the People.—Congress is forbidden to make any law—

1. Respecting the establishment of religion or prohibiting its free exercise;

2. Abridging the freedom of speech;

3. Abridging the freedom of the press;

4. Abridging the right of the people peacefully to assemble;

5. Abridging the right of petition.

Every person in this country may worship God according to the dictates of his own conscience, being responsible for the consequences of his actions and beliefs if they affect the peace of society. Any person may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of such right; the abuse is called a libel.

In 1875 the United States Supreme Court decided that "the right of the people peaceably to assemble for the purpose of petitioning Congress, or for anything else connected with the powers and duties of the national Government, is an attribute of national citizenship, and as such is under the protection of, and guaranteed by, the United States." Old English law forbade "tumultuous petitioning," but Congress is forbidden to pass any law which will hinder the people from freely assembling. Arbitrary governments, like the absolute Russian monarchy, forbid the people to hold political meetings.

304. Right to Bear Arms.—The carrying of concealed weapons is forbidden by law, but Congress cannot pass laws forbidding the people to keep and bear arms. This restriction refers primarily to the right of the people to constitute a militia for the defence of their rights. Our regular army is very small; the defence of our rights is secured by the retained military right of the people. Congress can declare war and call out the militia for the public defence, but it cannot take the right to self-protection away from the people.

305. Householders' Rights.—Congress prescribes the rules and regulations of the army or empowers military officers to do so; but "the citizen's house is his castle," and in time of peace soldiers cannot be quartered in any house

without the owner's consent, nor in time of war save in the manner prescribed by law. Congress must respect the home-rights of every citizen.

306. Personal Security.—The personal security of citizens is protected by the laws of Congress. No law can be passed by any legislative body in this country impairing that security by permitting unreasonable searches and seizures or arrests without warrant. This common-law right of the citizen is very ancient, and has grown and strengthened with the growth and strength of political rights in this country and in England. Every citizen has the right to demand the authority by which any official act is done.

307. Private Property.—Private property cannot be taken for public uses without just compensation. Sometimes private property is needed for the public welfare; in such a case, if the owner is unwilling to sell his property, the Government, either local or national, appoints commissioners or viewers, whose duty it is to estimate the "just compensation" for the property, and the owner is compelled to take the amount found by the commissioners. This right of Government is known as the "right of eminent domain," and may be exercised by the United States, by the State, by the county, by the city, by the township or town and by corporations to which the right has been granted by the State.*

308. Trial by Jury.—Congress can pass no law impairing the right of the citizen to an impartial jury trial which shall be speedy and public. All the rights confirmed to the people by the common law, such as the right of a person to be informed of the accusations against him, the right to self-defence or by counsel, and the right to summon witnesses, can be protected but not impaired by Congress or by any other legislative body. In suits at common

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* See ¶ 33, p. 24.

law where the value in controversy exceeds twenty dollars the right of trial by jury is preserved, but cases involving one hundred dollars or less are usually tried before a justice of the peace without a jury.*

309. Fines and Punishments.—Neither Congress nor the States can pass any law requiring excessive bail, imposing excessive fines or inflicting cruel and unusual punishments. This right of the people to humane laws is of highest importance. The object of law is to reform the criminal as well as to punish him. Inhuman laws always fail to reform criminals or to deter them from the commission of crime. It is a principle of criminal law that the certainty rather than the degree of the punishment is the best preventive of crime.

310. The Franchise.—Slavery was abolished in the United States by the Thirteenth Amendment, declared in force December 18, 1865. By the Fifteenth Amendment the right of the citizen to vote cannot be denied or abridged by the United States or any State on account of race, color or previous condition of servitude. This amendment was declared in force March 30, 1870. It prohibits discrimination against voters on account of race, color or previous condition of servitude. The right to vote comes from the State, not from the United States.

311. Republican Form of State Government.—Congress guarantees to each State a republican form of government and protection against invasion. If the legislature of the State, or the governor when the legislature cannot be convened, applies to the Government of the United States for protection against domestic violence, as in the case of a riot, such as occurred in Pittsburgh, Pennsylvania, in 1877, the United States Government must comply with the request.

312. Obligation of Contracts.—No State can pass

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* See ¶ 159, p. 93.

any law impairing the obligation of contracts. The law of the obligation of contracts covers nearly all the civil cases before the American courts, and the principle is of the widest application in our institutions. The protection of all our rights, industrial, political, social and moral, is implied in the obligation of contracts. A contract is an agreement between two or more parties, qualified to contract, to do or not to do a particular thing. If two or more persons of the age of twenty-one or more, of sound mind, of willing disposition and without restraint or compulsion, actually contract to do or not to do a certain thing, they are bound by the contract, and the laws of the United States will compel them to perform their legal contracts or suffer the consequences of non-performance.

313. Powers Denied the States.—No State can enter into any treaty, alliance or confederation; grant letters of marque or reprisal; coin money; issue bills of credit;* make anything but gold or silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law or grant any title of nobility.

The limitations on the States illustrate the supremacy of the United States over the States.

314. State Powers if Congress Consent.—No State, without the consent of Congress can lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws are subject to the revision and control of Congress.

No State, without the consent of Congress, can lay any duty on tonnage, keep troops or ships of war in time of

*By "bills of credit" is meant paper money, or promises to pay, issued by a State in such a way as to be used as a substitute for money. The phrase is not intended to prevent a State from borrowing money and giving its bonds for the obligation.

peace, enter into any agreement or compact with another State or with any foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

These restrictions on the States mean that Congress alone can regulate the commercial interests of the people of the United States, maintain an army and navy, make treaties or alliances with foreign States or declare war. There cannot be two sovereign powers exercising these rights in the United States; the States are subject to the United States.

On the 30th of May, 1787, when the Constitutional Convention began the making of the Constitution of the United States, a resolution passed, "That a national Government ought to be established, consisting of a supreme judicial, legislative and executive." The term "supreme" required explanation, and it was asked whether it was intended to annihilate State Governments. It was answered that should the powers granted to the new Government clash with the States, the States were to yield.

315. The Relation of the Federal Government to the State Governments.—"The Government proceeds directly from the people. When thus adopted by them the Constitution was of complete obligation and bound the State sovereignties. The Government of the Union is emphatically and truly a government of the people. The Government of the Union, though limited in its powers, is supreme within the sphere of its action. Its laws, when made in pursuance of the Constitution, form the supreme law of the land. . . . The Government of the Union and those of the States are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other."*

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* Chief-Justice Marshall.

CHAPTER VI.

THE PRESIDENT OF THE UNITED STATES.

316. National Conventions.—The candidates for the Presidency and the Vice-Presidency of the United States are nominated in a national convention, which is an assembly of delegates from all the States and Territories. Each political party holds its own convention, which usually consists of twice as many delegates as the Congress of the United States has members.*

317. The President of the United States represents the unity, the power and the purpose of the nation. He is the executive officer of the Federal Government. His office is the highest in the power of the people to bestow.

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* The development of the political convention in America has kept pace with the growth of the conveniences in internal transportation. Before 1790 a convention consisted of representatives who could conveniently gather on horseback from a few adjoining towns. With the introduction of stage-coaches came county conventions. When the canal and the post brought people in closer association, groups of States began assembling in convention, a period culminating in 1825. A national convention was not possible until after 1850, the period of the beginning of railroads, and became a convention in a truly national sense only when the telegraph had brought all parts of the country into closest relations. In the early conventions the delegates were simply known as men from a certain State. When Polk was nominated for the Presidency some of his political opponents objected to this promiscuous State representation, and gave to them, as distinguished from the county delegates, the name "outsiders," a coined word caught up in a political campaign, and borne since that time in the body of our language.

318. Qualifications.—No person except a natural-born citizen is eligible to the Presidency. He must be thirty-five years of age and a resident within the United States fourteen years. He is elected to serve for four years.

A person of foreign birth might be subject to foreign influences. Tenure of office for life or for a very long term would tend to a monarchy.

319. His Election.—The President is chosen by the Electoral College, which is composed of Presidential electors elected in the several States. Each State has as many Presidential electors as it has Senators and Representatives in Congress, and each elector has one vote. No Senator or Representative or person holding an office of trust or profit under the United States can serve as a Presidential elector. The purpose of this restriction is to provide an Electoral College free from Federal influence. Each political party in the State nominates its own Presidential electors, who are morally bound, if elected, to vote for the Presidential candidate of the party. The people elect the Presidential electors on the Tuesday next after the first Monday of November in the year of the Presidential election, which occurs once in every fourth even year. The first Presidential election was in 1789. Soon after election day it is known what electoral ticket, and consequently what Presidential candidate, has been elected.

320. The Electoral College.—But the choice of a President is not made until three more steps have been taken. On the second Monday in January the Presidential electors meet in their respective States, usually at the capital of the State, and vote by ballot for President and Vice-President, one of whom at least cannot be an inhabitant of the same State with themselves. When the vote has been counted three lists are made of all the persons voted for as President and as Vice-President, and the number of votes which each received. These three lists are certified to and signed by all the

electors and sealed. One list is deposited with the United States district court judge of the district in which the electors meet. The other two lists are sent to the president of the Senate at Washington, one by mail and one by special messenger.* The sealed vote of the Electoral College of each State is called "the return." As soon as the Electoral College has sent in the return its duty is done and it ceases to exist. The college is simply the registering-machine of the popular vote. On the second Wednesday in February the sealed votes received by the president of the Senate are opened by him in the presence of the two houses of Congress, and the votes are counted. The person who has a majority of all the votes cast for President is declared to be duly elected President of the United States, and the person who has a majority of all the votes cast for Vice-President is declared to be duly elected Vice-President of the United States.

321. Election by the House.—If no person has a majority of the votes for President, then from the three highest on the list of those voted for as President the House of Representatives proceeds immediately, by ballot, to choose a President. In an election by the House the voting is by States, a majority of the Representatives from each State constituting the one vote of the State. A quorum for this purpose consists of a member or members from two-thirds of the States, and a majority of all the States is necessary to a choice. If the House of Representatives fail to choose a President, whenever the right of choice devolves upon it, before the fourth day of March next following, then the Vice-President acts as President, as in the case of the death or other constitutional disability of the President. Thomas Jefferson (1801)

* If the two lists from the Electoral College of each State fail to reach the president of the Senate by the fourth Monday in January following the election, he may send for the list deposited with the district court judge.

and John Quincy Adams (1825) were elected by the House of Representatives.*

322. The Vice-President.—As the Vice-President may become President, his qualifications are the same as those of the President. Should the Electoral College fail to elect a Vice-President, the choice of the Vice-President devolves upon the Senate, in which case the Senate must have a quorum of two-thirds of the whole number of Senators, and a majority of the whole number is necessary to a choice.†

323. A Minority President.—The Presidential electors from any one State are not obliged to vote as a unit; each elector represents the party that chooses him. The State of New York has thirty-six electors. They may

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* **The Electoral Commission.**—In order to determine the disputed Presidential election of 1876 an electoral commission, consisting of five Senators of the United States, five members of the House of Representatives and five associate justices of the United States Supreme Court, was appointed January 29, 1877. The commission was to decide by a majority of votes, and its decisions were to be reversed only by the concurrent vote of both houses of Congress. The duty of the commission was to examine the returns from the disputed States with the same power as that possessed by the two houses of Congress acting separately or together. The disputed States were Florida, Louisiana, Oregon and South Carolina. By a vote of eight to seven the commission decided that Hayes had received 185, and Tilden 184, electoral votes. This decision, given March 2, 1877, two days before the inauguration, made Mr. Hayes President of the United States for four years.

† As the President represents the nation, and is chosen indirectly by the people, it is a wise provision of the Constitution that in case the Electoral College fail to choose a President the choice of a President should be made by that branch of the national legislature which more closely represents the people—namely, the House of Representatives. The choice of the Vice-President is wisely left, in case the Electoral College fail to choose that officer, to the Senate of the United States, over which body the Vice-President is to preside. As the Vice-President succeeds to the Presidency only by accident, it is just that the Senate should be permitted to select its own presiding officer.

represent several parties: there may be electors representing the Republican party, the Democratic party, the Prohibition party, the Labor party or any other party. Other States may be similarly divided. The Electoral College thus may have Democratic electors, Republican electors, Labor-party electors and Prohibition electors. Electors of the same party in the different States vote for the same candidates. The greater the number of candidates, the greater the risk that the Electoral College will fail to choose a President.

In 1861, the Electoral College stood as follows, for—

Lincoln,	180,	representing	17	States	and 1,866,352	popular votes.
Breckinridge,	72,	"	11	"	845,763	"
Douglas,	12,	"	2	"	1,375,157	"
Bell,	39,	"	3	"	589,581	"

Thus, although Abraham Lincoln received 180 electoral votes, he did not receive a majority of the popular vote: he received more electoral votes than his three opponents together; and they together received more popular votes than he. A President who fails to receive the majority of the popular votes is called a minority President.*

The majority in the Electoral College has failed so often to represent the majority of the popular vote that many attempts have been made to amend the Constitution and change the method of electing the President; but as yet no device has been found better than the cumbersome Electoral College. The idea of such a college grew out of the distrust of the people at the time of the making of the Constitution. It was then thought that electors chosen by the people would be less likely to err in selecting a fit person for President. But the practice of political

* The minority Presidents have been J. Q. Adams, 1825; James K. Polk, 1845; Zachary Taylor, 1849; James Buchanan, 1857; Abraham Lincoln, 1861; R. B. Hayes, 1877; James A. Garfield, 1881; Grover Cleveland, 1885; Benjamin Harrison, 1889; Grover Cleveland, 1892.

parties has reduced the Electoral College to a mere registering-machine, and every Presidential elector votes for the candidate nominated by the national convention of his party.

324. The Presidential Succession.—In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of his office, the office devolves upon the Vice-President. Four times in our history the Vice-President has succeeded to the Presidency:

John Tyler upon the death of President Harrison in 1841; Millard Fillmore upon the death of President Taylor in 1850; Andrew Johnson upon the assassination of President Lincoln in 1865; Chester A. Arthur upon the assassination of President Garfield in 1881.

At the time of President Garfield's death and the succession of Vice-President Arthur to the Presidency, Congress was not in session. No president of the Senate *pro tempore* had been chosen before the adjournment of Congress, and consequently, had President Arthur died or become incapable of exercising the powers and duties of his office, the country would have been without a President. Congress soon assembled, a president of the Senate was chosen, and later a law was passed prescribing the succession to the Presidency should an occasion ever arise demanding it. In case of the death of both President and Vice-President, or of the removal, resignation or inability of both of them, the Secretary of State acts as President; in case of the removal, death, or resignation or inability of the Secretary of State, the Secretary of the Treasury acts as President, and in their order the office passes to the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.* This law was passed in January, 1886, and

* The office of Secretary of Agriculture was not created until after the enactment of the present law providing for the presidential succession.

will have the effect, if ever practically carried out, of continuing in power the political party that chose the last President duly elected, by placing the executive powers of the Government in the hands of the men whom the President had chosen to assist him in the administration of affairs.

325. Inauguration Day.—On the 4th of March of each fourth year the President and Vice-President elect are formally invested with their respective offices. The essential part of the inauguration is the oath of office, which is administered to the President elect by the chief-justice of the United States before a vast concourse of citizens. The oath is as follows: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States." The Vice-President takes the oath a few moments before in the presence of the Senate of the United States. Usually there is a display of military and other organizations from various parts of the country. The new President pronounces his inaugural address from the eastern steps of the Capitol. This address outlines the new President's policy or his ideas of the administration of the Government.

326. The White House.—After the inauguration the President is driven to his official residence, the executive mansion, popularly known as the White House. Here he receives deputations of citizens, foreign ambassadors, members of Congress and of other departments of the Government.

327. The President's Salary.—Until 1873 the annual salary of the President was $25,000, but it was thought at that time that this amount was not sufficient to meet the demands made upon the President during his official life. It was increased to $50,000, but this sum is small when compared with the amount paid to the rulers of other civilized lands. This salary cannot be increased nor diminished

during the period for which the President is elected, and he cannot receive, while President, any emolument from the United States or from a State. A custom has long prevailed that the President cannot receive any gift from any civil body, such as a city council or a legislature, or a foreign state. The President may accept gifts from private individuals, like any other citizen.* The Vice-President receives $8000 annually, and, as in the case of the President, he draws his salary in monthly installments from the United States treasury.

328. The President Accessible.—Although the President is the ruler of a mighty nation and is burdened with responsibility and official duties, he is easily reached by the humblest citizen. Unlike the rulers of foreign lands, who are hedged about by ranks of officials both civil and military, our chief magistrate frequently meets the people at public or at private receptions. The death of two of our Presidents by assassination has led many to believe that the President of the United States should be protected by a guard. The President is constantly sought by persons soliciting appointment to office. In order to relieve the President from the crowd of officeseekers, and also to secure competent public servants in the lower grades of administrative offices, the greater number of Government employés in clerical positions are appointed by the heads of the executive departments. Persons seeking a clerical appointment in any of the departments at Washington are required to pass an examination before the civil-service commission or its accredited representative. From the list of successful candidates appointments are made as vacancies occur. The object of the civil-service examination is to remove appointments to the lower Federal civil offices from the control of any political party and to confer the offices upon persons best qualified to fill

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See ¶ 302, p. 166.

them. An effective civil-service system will relieve the President from the burden of officeseekers.

329. Duties of the President.—All the duties of the President are summed in the language of the Constitution: "He shall take care that the laws are faithfully executed."

330. Powers of the President.—The President is commander-in-chief of the army and navy of the United States, and of the militia of the several States when it is called into the national service. He is not obliged to take command of the national forces in person, but may place them under command of such officers as he may choose.

He has power to grant reprieves and pardons, as well before trial and conviction as afterward, for offences against the United States, except in cases of impeachment. The exception of impeachment cases is taken from the custom in England, where the king's pardon cannot be pleaded in case of impeachment before the House of Commons.

He has power, by and with the consent of the Senate, to make treaties with foreign states, provided two-thirds of the Senators present concur.

He nominates, and by and with the consent of the Senate he appoints, ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not otherwise provided for by law.

He has power to fill all vacancies in Government offices that may happen during the recess of the Senate by granting commissions which shall expire at the end of the next session. In 1831, President Jackson during a recess of the Senate appointed Martin Van Buren minister to England, but the Senate refused to confirm the appointment, and Mr. Van Buren, who had already gone to the court of St. James, was compelled to return.

He has power on extraordinary occasions to convene both houses of Congress or either of them, and in case of

disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he thinks proper, but not for a longer time than the day fixed for the assembling of the next session of Congress.

He appoints the members of his own Cabinet, who compose the heads of the executive departments, and he may require of them at any time an opinion in writing upon any subject relating to the duties of their respective offices.

He receives ambassadors from foreign powers and other public ministers, and commissions all the officers of the United States.

331. Removal from Office.—The President, the Vice-President and all civil officers of the United States are subject to removal from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors. High crimes and misdemeanors are ascertained by the rules of the common law.

332. The President's Message.—In his annual message, when Congress assembles, the President gives to that body "information of the state of the Union." In this message he reviews the history of the year, comments upon events, makes suggestions concerning legislation, and expresses his opinions on such subjects as he thinks proper. At any time he may send to Congress a special message directing attention to matters requiring immediate consideration.

333. The President as Law-maker.—The President is an essential part of the law-making power under the Constitution, and signs or vetoes all bills and resolutions passed by Congress, except a resolution to adjourn.

334. The President as Politician.—He is elected by a political party for the purpose of carrying out party principles of government. His term of office is known politically as an administration. He is the head or leader of his party, and usually makes all official appointments out

of his own party. The number of appointments he can make is about one hundred and fifteen thousand; sometimes these men use their personal and official influence to re-elect the President who appointed them to office, but the spirit of our institutions is against such action.

335. The President as the Head of the Nation.— The President is the only Federal officer who is directly responsible to the nation for the administration of the Government. He is President of the whole country, and should be above the biassed prejudices of the mere political partisan. He is the nation's man, and not a party man. If he fails to rise to the lofty plane of national duty, he sinks into the obscurity of the mere candidate for office and the distributor of the spoils of office. The burden of his responsibility is too heavy to be borne long, and Washington set the example of retiring from the Presidency at the close of a second term. It has often been said that responsibility makes men serious; the responsibilities incident to the office of President of the United States have called into exercise noble qualities from all our Presidents. From the excitement of the campaign to the cares of the White House is a transformation likely to change the leader of a party into the head of the nation.*

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* For Table of Presidents of the United States, see pp. 298, 299.

CHAPTER VII.

THE EXECUTIVE DEPARTMENTS.

336. The Executive Departments.—The executive business of the Federal Government is committed to eight departments, each of which has for its chief officer a Cabinet minister appointed by the President by and with the consent of the Senate. The departments, in the order of their creation, are—

The Post-Office Department, May 8, 1794.
The Navy Department, April 30, 1798.
The Department of State, July 27, 1789.
The Department of War, August 7, 1789.
The Treasury Department, September 2, 1789.
The Department of the Interior, March 3, 1849.
The Department of Justice, June 22, 1870.
The Department of Agriculture, February 12, 1889.

Each member of the Cabinet is in political accord with the President and receives an annual salary of $8000. He holds his appointment at the will of the President, and is directly responsible to him for the management of the department of which he is the principal officer. The President is responsible to the people of the United States for the conduct of business in all the departments.*

* The Cabinet meets at the executive mansion at the direction of the President, who presides over its consultations and directs them. Its proceedings are not recorded, and it has no legal authority as a body. As its action is merely advisory, the President is not bound by the judgment of the Cabinet, and its members as heads of executive departments may disregard the advice of the Cabinet and assume the responsibility of individual action.

337. The Department of State.—Of the executive departments created by Congress, the Department of State, which outranks the others, was the first in operation. It is presided over by the Secretary of State. He is the single officer in our Federal Government who is empowered to communicate with other Governments in the name of the President of the United States. He corresponds with the official representatives of the United States in foreign countries and issues instructions for their guidance. He has charge of treaties and negotiates new ones; he keeps the archives of the United States and publishes its laws, or causes them to be published, together with treaties, Presidential messages, proclamations, resolutions, etc. He keeps the great seal of the United States and affixes it to official papers. He issues and records all passports, and he reports to Congress at stated times the relations between foreign countries and the United States. He has three assistants, known as the First, Second, and Third Assistant Secretary of State.*

338. The Diplomatic and Consular Service.—The foreign relations of the United States and of its people are entrusted to two sets of officials—one, the American ministers abroad, who represent our Government in a political capacity; the other, the American consuls abroad, who represent commercial interests, and chiefly the interests of Americans as individuals. The duties of the diplomatic and of the consular services are never confused. The American minister cannot represent or engage in com-

* The list of Secretaries of State begins with Thomas Jefferson, appointed by President Washington September 26, 1789, and contains some of the most distinguished names in our civil history. Jefferson, Madison, Monroe, J. Q. Adams, Van Buren and Buchanan served each as Secretary of State before election to the Presidency, and John Marshall, the great chief-justice, Henry Clay, Daniel Webster, John C. Calhoun, Edward Everett, Jeremiah S. Black and William H. Seward were once at the head of this department.

mercial interests; the consul cannot represent or engage in political affairs. Our diplomatic agents are of four grades:

1. Ambassadors;

2. Envoys extraordinary and ministers plenipotentiary;

3. Ministers resident. These three grades of the diplomatic service are accredited by the President to the head of Government of the countries to which they are sent.

4. *Chargés d'affaires*, commissioned by the President, but accredited by the Secretary of State to the minister of foreign affairs of the Government to which they are sent. In some cases a *charge d'affaires* is entrusted with the representation until the duly-accredited minister has assumed his official duties.

The duty of diplomatic agents is to carry out the instructions which come to them from the President through the Secretary of State. They aid in carrying out the President's foreign policy by negotiating such treaties and international agreements, and securing such international relations, as in the judgment of the President seem conducive to the welfare of the United States. By the law of nations foreign ministers enjoy many rights and privileges peculiar to the dignity of their office. They are assisted by secretaries of legation and interpreters.*

Our commercial relations with the people in foreign lands are entrusted to the American consuls, each of whom

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* Ambassadors are accredited to Great Britain, France and Germany with an annual salary of $17,500 each.

Envoys extraordinary and ministers plenipotentiary are accredited to Russia ($17,500), to Austria, Brazil, China, Italy, Japan, Mexico and Spain, $12,000 each; to Chili and Peru, $10,000 each.

Ministers resident are accredited to Guatemala, Costa Rica, Honduras, Salvador, Nicaragua, Uruguay, $10,000 each; to Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia, Bolivia, Venezuela, Hawaiian Islands and Argentine Republic, $7500 each.

Minister resident and consul-general at Hayti $7500; at Liberia, $4000. Agent and consul-general at Alexandria, $3500.

resides in the principal city of a consular district into which foreign countries are divided. The officers of the consular service are more numerous than those of the diplomatic service. The duties of consuls are various. The Department of State cannot attend to the private business of American citizens, but the individual citizen may employ the American consul to transact any private business he may have abroad. The consul may administer oaths, take testimony, administer on the estates of Americans dying abroad and send home the proceeds of their estates to be distributed to the legal heirs. Our consuls also secure valuable information relating to commerce, manufactures and agriculture, which they convey to our Government, by which it is given to the American people. In Japan, Turkey and China any American citizen charged with crime is tried by the American consul. To the consuls are entrusted the interests of American seamen and American shipping. The consul keeps a register of all American ships entering his port, the tonnage of each ship, the nature and the value of each cargo, the number and the condition of the seamen. To the consul the seaman may apply for the protection of his legal rights, and the destitute mariner is entitled to receive relief from the consul at the expense of the Government of the United States. But only seamen are entitled to such aid: they may be sent home or cared for in a foreign land until able to help themselves. The chief duty of a consul is to see that the commercial laws of the United States are enforced. These laws or agreements are negotiated by the diplomatic agents of the United States.

339. The Treasury Department.—The Treasury Department was organized by Alexander Hamilton, and has grown into a department difficult to understand on account of its complex interests. The Secretary of the Treasury must be a man who is not directly interested in trade or commerce. President Grant nominated the merchant

prince A. T. Stewart for this Cabinet position, but the Senate refused to confirm him and refused to change the law that disqualified him from holding the office. The secretary is required to suggest plans for creating revenue and maintaining the credit of the United States; to determine the manner in which the financial business of the Government shall be conducted; to acquaint Congress, when called upon, with any information obtainable in his department; to superintend the collection of the revenue; and to give warrants or orders for all moneys paid from the Treasury in accordance with the appropriations made by Congress. The chief business of the Treasury Department since 1861 has been the management of the national debt.

England has a national debt about five times as great as ours, and employs the Bank of England to manage it; but in our own country the Secretary of the Treasury has this important responsibility. He has the superintendence of the coinage of money, of the national banks, of the customs and the custom-houses, of the lighthouse system, of the coast survey, of the inspection of steam vessels, of marine hospitals and of the life-saving service.* He is aided by two assistant secretaries and numerous clerks.

The millions of money belonging to the people of the United States are entrusted to the treasurer of the United

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The Life-Saving Service is composed of a general superintendent, assistant general superintendent, inspectors, district superintendents, a board on life-saving appliances and the keepers and crews of stations. The service is designed to assist vessels and seamen in danger of being wrecked. There are 269 stations in commission—198 on the Atlantic coast, 16 on the Pacific, 58 on the lakes, and 1 at the Falls of the Ohio River, Louisville, Ky. Since the organization of the service, in 1871, to June 30, 1900, disasters have occurred to 11,863 vessels within the scope of its operations, having on board 89,947 persons, of which number 88,986 were saved, and only 961 lost; and of more than $179,165,859 of shipping property, including cargoes involved, nearly eighty per cent. was saved. This is one of the most useful branches of work undertaken by the Government, and is worthy of more aid and encouragement from Congress than it has hitherto received.

States, and are kept in strong vaults made for the purpose.*

* The business of the Treasury Department is audited by six auditors. The first auditor has charge of all accounts in the civil service, the public debt, the expenses of Federal courts, and the custom-houses. The second auditor examines the army accounts (with some exceptions) and settles all accounts with the Indians. The third auditor settles all accounts of the engineer corps, pensions, war claims, etc. The fourth auditor examines all accounts of the navy. The fifth auditor is in charge of the accounts with the internal revenue, State department, diplomatic service, and the census. The sixth auditor examines the accounts of the postal service.

The auditors' accounts are re-examined by the comptroller of the Treasury, and the commissioner of customs revises all accounts of the revenue and of the marine service.

The register of the Treasury has control of the account-books of the United States. These books show the exact financial condition of the Government at any time. His name may be seen upon bonds and United States notes.

The comptroller of the Treasury is in charge of the national banking system. The office was created in 1863.

The director of the mint has charge of all mints and assays, and reports to Congress from time to time concerning the yield of the precious metals, etc.

The commissioner of internal revenue supervises the collection of all duties and taxes levied by Congress. The States and Territories are divided into eighty-two internal revenue districts.

The solicitor of the Treasury has charge of all prosecutions by the Government for the infringement of revenue laws, for counterfeiting and other crimes committed against the financial interests of the country.

The chief of the bureau of statistics reports yearly on the trade and commerce of the country, and, when directed by Congress, examines and reports on the industrial problems in which the nation is interested.

The superintendent of the coast and geodetic survey has charge of the survey of the coasts and rivers of the United States, and publishes charts, tide-tables and sailing directions.

The remaining officers are the supervising surgeon-general, the supervising architect of the department, the supervising inspector of steam-vessels, and the chief of the bureau of engraving and printing. The

340. The War Department.—The Secretary of War, under the direction of the President, has charge of the military affairs of the country, the keeping of the army records, and the expenditure of all money appropriated by Congress for the improvement of navigation and the survey of harbors. The duties of the department are divided among ten bureaus:

The adjutant-general issues the President's orders, conducts the correspondence of the army, issues commissions and keeps the exact record of the army.

The remaining bureaus are those of the inspector-general, the quartermaster-general, the paymaster-general, the commissary-general, the surgeon-general, the chief signal officer, the chief of engineers, the chief of ordnance and the judge advocate-general. The latter officer reviews the findings of courts-martial and is the legal adviser of the Secretary of War.*

341. The Navy Department.—The Secretary of the Navy executes the orders of the President relative to his department. The duties of the department are divided among eight bureaus: A bureau of yards and docks, of equipment and recruiting, of navigation, of ordnance, of construction and repair, of steam-engineering, of provisions and clothing, and of medicine and surgery.

This department also issues nautical charts and sailing directions for the use of navigators, and publishes nauti-

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latter officer has charge of the making of all bonds, Treasury notes, national bank-notes, revenue stamps, etc. By means of this division of labor the vast interests of the Treasury Department are properly cared for, and if a single error, however trifling, is made by a clerk, it is soon detected by means of the numerous checks and safeguards constantly employed.

Among the eminent men who have held the office of Secretary of the Treasury are Hamilton, Gallatin, Taney (afterward chief-justice of the United States), Chase (also chief-justice), McCulloch and Sherman.

* Among the distinguished men who have held the office of Secretary of War are Edwin M. Stanton, General Grant and General Sherman.

cal books of great value which are sold at cost to any one. The naval observatory at Washington is under the care of this department. The nautical almanac is published three years in advance.*

342. The Department of the Interior.—This department was originally called the Home Department, a name significant of the nature of the interests committed to it. If information is wanted concerning immigration, public lands, the Government survey, mines and mining, schools and colleges, the census, patents, pensions, trademarks, the Indians or the scientific investigations of the Government, the Interior Department will supply it. If pestilence and disease prevail in any part of the country, the Interior Department will advise as to the best method to be pursued to overcome them. The subordinate officers of the Interior Department are—

The Commissioner of Public Lands.
The Commissioner of Indian Affairs.
The Commissioner of Pensions.†
The Commissioner of Patents.
The Commissioner of Education.‡

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* Among the distinguished men who have served as Secretary of the Navy are George Bancroft and Gideon Welles.

† **Pensions.**—Liberal pension laws in the United States since the Revolution have provided for the comfort of soldiers and sailors who have become disabled in actual military service, and in case of death for the support of their families. The total amount paid to invalids and widows from 1791 to June 30, 1889, was $1,138,662,269. The present pension-roll contains nearly five hundred thousand names, and the amount paid annually is about $88,000,000.

‡ **The Bureau of Education,** organized in 1867, is attached to the Department of the Interior, and is under the direction of the commissioner of education. It collects statistics and facts showing the condition and progress of education in the several States and Territories, and diffuses information respecting the organization and management of schools, school systems and methods of teaching. Its reports and circulars of information are of great value to those interested in educational affairs.

The Inter-State Commerce Commissioners.*
The Superintendent of Public Documents.
The Superintendent of the Census.

A superintendent of the census is appointed for each census, and holds his office only until the completion of the census for which he was appointed.

343. The Post-Office Department.—President Jackson first admitted the chief clerk of the Post-Office Department to a seat in the Cabinet. The secretary, called the Postmaster-General, has charge of the postal interests of the nation. He awards all postal contracts, directs routes for mails, negotiates postal treaties with the consent of the President and commissions and appoints all postmasters whose salaries are not more than $1000 a year. Postmasters who receive more than this amount are appointed by the President with the advice and consent of the Senate. The secretary controls the styles of postage-stamps and of enve-

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* **The Inter-State Commerce Commission.**—On the 4th of February, 1887, Congress passed the "Act to Regulate Commerce," under which the Inter-State Commerce Commission was created. The commission consists of five commissioners, appointed by the President, with the advice and consent of the Senate, for the term of six years, at an annual salary of seven thousand five hundred dollars and travelling expenses. It is the duty of the commission to investigate, according to the terms of the act, into any matter or question of fact pertaining to the business of any common carrier in the United States. The act applies "to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, . . . for a continuous carriage . . . from one State or Territory of the United States . . . to any other State or Territory of the United States, . . . or from any place in the United States to an adjacent foreign country, . . . or through a foreign country to any other place in the United States." The act does not apply to the transportation of persons or property "wholly within the State." The object of the act is to provide Congress with accurate information by which it may enact laws "to regulate commerce," so that unjust discrimination in freights and passenger rates among railroads may be prevented.

lopes made by the Government, and prescribes the rules and regulations of the postal business of the country. The subordinate officers of the department are—three assistant postmasters-general, an assistant attorney-general, a superintendent of the money-order department, a superintendent of foreign mails, a chief clerk, a law clerk and a topographer. The business of the Post-Office Department is enormous, extends over the entire country and is carried on with regularity and safety. Before 1845 it cost from six to twenty-five cents to send a letter containing a single sheet; the act of 1845 made the rates five or ten cents according to distance. Stamps of these denominations were first issued in 1847. Four years later postage on home letters was reduced to three cents, and in 1883 it was reduced to two cents. The Post-Office Department provides facilities for the transmission of money by postal notes and orders. It classifies mail matter and fixes the rates of postage according to the classification.*

344. The Department of Justice.—Although Congress created the office of attorney-general of the United States in 1789, the Department of Justice was not created until 1870. The United States Attorney-general is the chief law officer of the Government, and represents the United States in all suits at law to which the United States is a party. He has the aid of the solicitor-general, two assistant attorneys-general, an assistant attorney-general for the Interior Department, one for the Post-office Department, a solicitor of the Treasury, a solicitor of the Internal Revenue and an examiner of claims. The men who have at different times held this office of Attorney-general are

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* **The Postal Union.**—For the prompt transmission of mail matter between different countries, most of the nations have united in forming a postal union. It was organized at Berne, Switzerland, in 1874. Letters are carried from one country to another connected with the union at the uniform rate of five cents for each half ounce in weight, no matter what distance apart the countries may be.

among the most distinguished lawyers that the country has seen.*

345. The Department of Agriculture.—Until 1889 the interests now entrusted to the Department of Agriculture formed a portion of the interests of the Department of the Interior. The wealth of the people of the United States is chiefly agricultural. The farmer whose crops are injured by destructive insects may apply to the Department of Agriculture and learn how to save his grain and his fruit. He may there ascertain the cause and the cure of the diseases that afflict his cattle and his horses, and obtain information about soil, climate, fertilizers, seeds and methods of cultivation. In 1891 the Weather Bureau, previously under the control of the War Department, was transferred to the Department of Agriculture.†

The executive departments are united in the President of the United States, who has the supreme control of them, and is directly responsible to the people for his administration of public affairs.

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* Among them are Theophilus Parsons, William Pinckney, William Wirt, Roger B. Taney (afterward chief-justice), Nathan Clifford (afterward justice of the United States Supreme Court), Reverdy Johnson, Caleb Cushing, John Y. Mason, Edwin M. Stanton, William M. Evarts and Edwards Pierrepont.

† The Weather Bureau was established by an act of Congress in February, 1870, authorizing the Secretary of War to establish and equip stations in different parts of the country, where such simultaneous observations on the meteorological conditions of the atmosphere could be taken as would enable the department to give to all important ports on the Atlantic coast and Great Lakes timely notice of the approach of dangerous storms, and to collect such information as would be of value to shipping and other interests. The system has grown until there are now nearly five hundred stations in different parts of the country, having trained and intelligent observers of the weather, whose observations are telegraphed to the central office at Washington three times each day, and the bureau is thus enabled to foretell the probable character of the weather for the next twenty-four hours.

CHAPTER VIII.

THE COURTS OF JUSTICE.

346. Determination of Rights.—The industrial, political, social and moral rights of a person may be questioned or endangered by another: to determine these rights courts of justice administer the laws of the States and of the United States.

347. State Courts.—The State courts are the inferior or lower courts, such as the justice's court and the county courts; and the higher or superior courts, such as the court of appeals, the court of errors or the supreme court. In the State courts are tried all cases of a civil or of a criminal nature that arise within the jurisdiction of the court before which the cases are brought for decision. A case, if not appealed to a higher court, is settled in the court in which it is first brought. The laws of the several States and of the United States determine whether or not a case may be appealed to a higher court. Nearly all suits at law begun in State courts are settled there. Suits at law are managed by men learned in the law, who act in the place or turn of another, and who are therefore called attorneys-at-law. A person may manage his own case at law, but he is safer in employing an attorney. The court consists of the judge or judges sitting on the bench for the purpose of administering justice. The higher courts are provided with clerks or recording officers and reporters;*

* **Reports and Reporters.**—The decisions of the higher courts are recorded, and from the records are made up the volumes of legal reports by the law reporters of the courts. Each State and the United

there are also in attendance attorneys-at-law and officers that assist the court, such as the sheriff, constables, tipstaves and crier. The judgment of an inferior court is final, unless set aside by the superior court.

348. Military and Naval Courts. — Offences committed in the army or navy are tried before military or naval commissions. Military offences at critical times in a nation's history demand speedy, fair and exhaustive trial. In times of war civil procedure would be inadequate to the necessities of the case. A case decided in a military court, as in a court-martial, cannot be reopened except by order of Congress or of the President with the consent of Congress. Only the President of the United States can pardon persons found guilty by military or naval courts.

349. Arbitration.—Matters of difference between contending parties are often adjusted by arbitration, which is the reference of the matters in dispute to disinterested persons chosen by the parties, each party choosing one, and these two choosing a third arbitrator. Crimes cannot be made the subject of arbitration. The opinion or finding of the arbitrators is called an award, and is binding on the parties to the arbitration. In modern times nations have occasionally settled differences between themselves by arbitration.*

States provide for the publication of their own series of reports. These reports are the guide of attorneys-at-law and of judges. They are prepared with great care.

* This humane and peaceful method of arriving at a judgment was pursued by England and the United States in the celebrated Alabama case, a body of claims made by the United States against England for alleged violations of neutrality during the Civil War. The tribunal to determine the disputes between the two countries assembled December 15, 1871, in Geneva, Switzerland, and consisted of five arbitrators—Count Federigo Sclopis of Salerano, named by the king of Italy; Baron Itajuba, named by the emperor of Brazil; Mr. Jaques Staempfli, named by the president of Switzerland; Charles Francis Adams, appointed by

350. Criminal Cases and Civil Cases.—All cases at law are divided into two classes—*criminal* and *civil.* A criminal case is one in which a suit is brought, usually in the name of the State, by one person against another for the commission of a wrong endangering his life, health, property, liberty or reputation. A civil case is one in which suit is brought to compel a person to execute his contract or to make compensation for refusing or neglecting to do so. Courts of justice administer civil and criminal law, and the same judge may at different times sit as a criminal court or as a court hearing civil cases. Courts of oyer and terminer and jail delivery and courts of *nisi prius* are courts which redress public wrongs—that is, crimes and misdemeanors. Courts of common pleas are courts which redress civil wrongs or wrongs arising from breach of contract. Probate courts, orphans' courts or surrogates' courts are courts which settle the estates of deceased persons.

351. History of a Civil Case.—A civil case originates in a breach of contract. A contract is an agreement to do or not to do a particular thing.* Contracts are expressed—that is, stated formally in writing or verbally before witnesses; or implied—that is, such as reason and justice dictate, and which the law presumes that every man undertakes to perform. If I employ a person to work for me, the law implies that I shall pay him the value of his services. It is implied in all contracts that if I fail in per-

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the President of the United States; and Lord Chief-justice Sir Alexander Cockburn, appointed by the queen of Great Britain. After an exhaustive examination of the matters submitted to it the tribunal awarded $15,500,000 in gold, September 14, 1872, as the indemnity to be paid by Great Britain to the United States in satisfaction of all claims referred to the consideration of the tribunal. The award was promptly paid, and since that famous decision it has become the custom of civilized nations to seek a settlement of international disputes by arbitration.

* See ¶ 312, p. 169.

forming my part of the agreement I shall pay the other party such damages as he has sustained by my neglect or refusal. The great law of contracts is, that all persons are legally bound to keep their contracts or suffer the penalty for the breach of them.

The party bringing the suit at law is called the plaintiff; the party defending the suit is called the defendant. Each party usually seeks the advice of an attorney, and if the parties cannot come to an amicable settlement the case is brought before the court having jurisdiction in such cases. After the filing of the necessary legal papers as introductory to the case in court, it comes on in its order for trial. The plaintiff, his attorney and his witnesses confront the defendant, his attorney and his witnesses. By mutual consent the case may be settled upon a hearing by the judge alone, but usually the case is set down for a jury trial. All cases that come before the courts are brought upon oath of the parties bringing them. Plaintiffs, defendants and witnesses at some stage of the case take oath as to the truth of the matter involved. This compelling every person connected with the case to declare his knowledge of it upon oath, imparts solemnity to the proceedings, and makes each person so swearing or affirming, guilty of perjury if he does not tell the truth.

Before the case opens, if a jury trial, a jury is empanelled. Trial by jury is very ancient, and its origin is not clear. Some think that it arose in England from the custom prevailing there many years ago of twelve men, called compurgators, or oath-makers, taking solemn oath that to the best of their individual belief certain statements were true or false. In those ancient days men sometimes resorted to curious devices to determine the guilt or the innocence of an accused person. He was compelled to plunge his naked arm or his body into boiling water or boiling oil, or to pick up a red-hot ploughshare, or to walk over a fiery path, or to wage battle in single combat. If he per-

formed these requirements unharmed, he was thought to be innocent. In England and in the United States to-day trial by jury is the common manner of trying cases, and the right to trial by jury is secured to citizens by the unwritten constitution of England and by the written Constitution of the United States.*

352. History of a Criminal Case.—Offences of an atrocious nature, such as murder, arson, burglary and larceny, are called crimes; offences of an inferior degree of guilt are called misdemeanors. Crimes and misdemeanors hazard the peace of society, and are therefore public wrongs. The person injured or his legal representative, or the attorney representing the State, brings the action in a criminal case. First, upon evidence sufficient to satisfy a justice of the peace, a magistrate or a judge, the person suspected or accused of committing the offence is arrested, under warrant, by the constable or sheriff. Upon arrest the prisoner is subject to preliminary examination before the officer who issued the warrant. If not discharged, the prisoner is remanded into custody to await trial. If the offence is a bailable one, he may be set at liberty on bail, which is secured to the State by sufficient sureties. The State becomes the plaintiff and is called the prosecution; the prisoner is the defendant. After a reasonable time the prisoner, if not out on bail, may petition for the right of *habeas corpus*, which the court is bound to notice.† Meanwhile, the attorney for the State has drawn up, accurately and in legal form, a written accusation which is known as an *indictment*, which he presents to the grand jury.‡

353. The Grand Jury.—The grand jury is a body of men, varying in number in the different States, re-

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* See ¶ 308, p. 168. † See ¶ 296, p. 164.

‡ In some of the States the grand jury system is not used. In these States the prosecuting attorney presents the case to the petit jury for trial.

turned by the sheriff of the county to every session of a criminal court. A true bill is the formal assent of the majority of the grand jury that the person indicted should be proceeded against according to law. If a true bill is not found, the case is thrown out and comes to an end. The number of jurors in a grand jury varies in different States. The business of the grand jury is to examine the indictments presented to it by the attorney for the State or county. On these bills are endorsed the names of the witnesses by whose testimony they are supported. The attorney gives a history of the case so far as he knows it. The jury examines the witnesses endorsed on the indictment. They formally vote on each indictment. Each true bill becomes a criminal case before the court. Each grand jury has a foreman selected by themselves or appointed by the court. He writes across each indictment either "A True Bill" or "Not A True Bill," as the jury decides. All the proceedings of the grand jury are secret. Before the grand jury retires to consult they are charged by the presiding judge concerning the nature of their duties. The grand jury is a preliminary jury.*

354. The Petit Jury.—The jury before whom civil and criminal cases are tried is called a petit jury. The term "jury" is usually employed as signifying a petit jury. The number of jurors must be twelve. The jury is empanelled from a number of electors returned by the sheriff from the county. From the electors so returned, twelve men are selected by lot and take their place in the jury-box. The jury is sworn and a case comes on for trial.

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* An entry may be made on the court-record by which the prosecutor or the plaintiff declares that he will proceed no further. Such an entry is called a *nolle prosequi*. It may be entered in a civil or in a criminal case. In criminal cases, before a jury is empanelled to try an indictment, and also after conviction, the prosecuting attorney has power to enter a *nolle prosequi*. A *nolle prosequi* does not acquit the defendant; he may be indicted again.

The manner of trying a civil case differs in some respects from that of a criminal case, but the general procedure is the same. Witnesses are examined and cross-examined. The attorney for the plaintiff or the prosecution presents his side of the case to the court and the jury. The attorney for the defence follows. The judge then charges the jury, relating briefly the history of the case as it has come before the court, and instructing the jurors as to the law applying in the case before them. The judge's charge is listened to with close attention by the jurors, for their verdict is the finding of the facts in the case; what they say is fact is fact. After the charge they usually retire to the jury-room for consultation. During their consultation they are subject to a strict surveillance, and cannot communicate with any person save the judge. A verdict is the unanimous opinion of the jury. If no verdict is reached the foreman of the jury announces to the judge that the jury cannot agree. The disagreement of the jurors usually puts an end to the case. If they find a verdict, they return to the jury-box and inform the court. The foreman gives the verdict. In a criminal case it is "Guilty" or "Not Guilty." In a civil case it is "For the plaintiff" or "For the defendant." In most civil cases the jury fixes the amount of damages, and the amount named is a part of the verdict. At the close of the session of court the jurymen are discharged.

Each elector is subject to jury-service unless exempted by law. In some of the States persons of certain professions or occupations, such as clergymen, physicians, attorneys-at-law, school directors or members of the National Guard are exempted from jury service. The judge at his discretion may excuse a man from jury-service after he has been returned by the sheriff. A court-house is often frequented by men who hope to be called as jurymen to fill vacancies, and thus earn a small sum.

These men are inferior to the men called by the sheriff in due course of law from the body of the electors, yet they often decide important cases in court. People sometimes complain of the miscarriage of justice in our courts. In rare instances the complaint may be well founded. It is difficult to obtain a well-qualified jury. Our laws exclude from the jury in any case all persons who, having learned about the case, have formed any opinion in regard to it. A jury is supposed to be absolutely free from prejudice in the case before them. It is the duty of the citizen to serve on jury when summoned.

355. Judgment, Sentence and Execution.—The decision of the court follows the verdict of the jury. In civil cases the decision of the court is called *the judgment;* in criminal cases it is called *the sentence.* A judgment or a sentence follows the law. By force of the judgment the party obtaining it seizes and sells by the sheriff the personal property of the adjudged person to the amount of the claim fixed by the judgment. If the personal property is not sufficient to satisfy the debt, the real property of the delinquent is levied on and sold by the sheriff to the amount of the judgment.

If found guilty in a criminal case, the person is sentenced by the court to suffer the penalty of the law. A person sentenced to capital punishment may be respited or pardoned by the governor of the State.* The carrying out of the judgment or the sentence of the court is the execution.

356. The Appeal.—If the party who loses the suit thinks there has been an error of any kind in the trial, his attorney applies for a new trial, which, if granted, proceeds before a new jury in the same manner as when first tried. If a new trial is not granted, he may appeal from the decision of the court to the supreme court of the State. The

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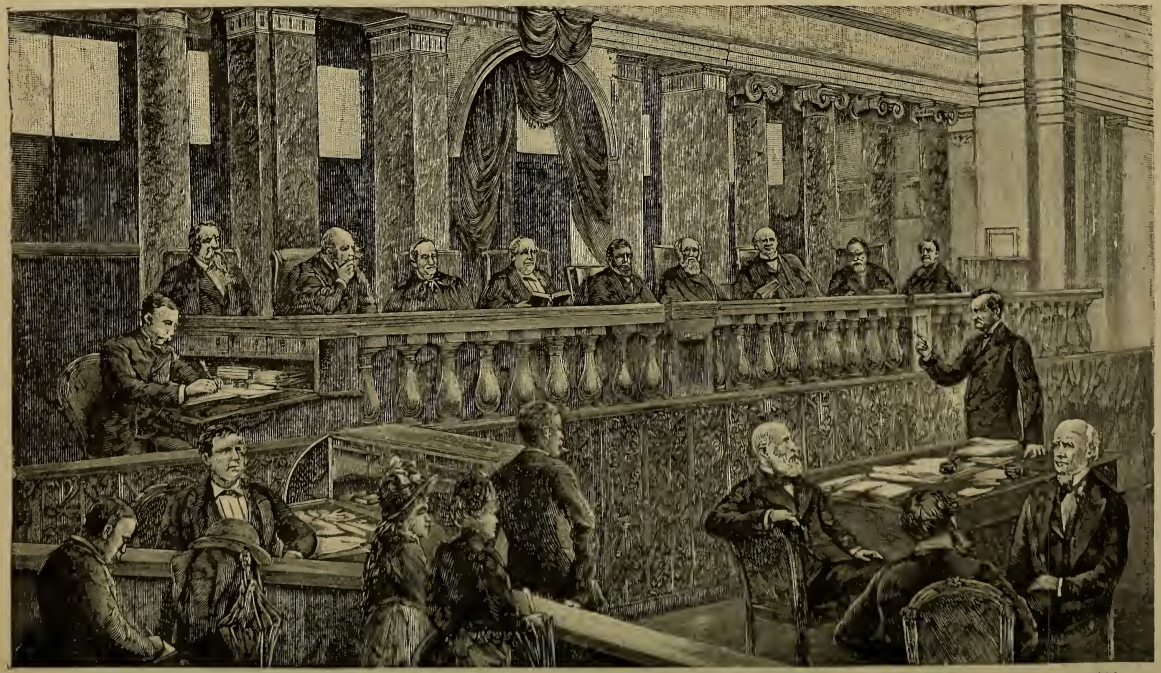
* See ¶ 195, p. 106.

supreme court either orders a new trial in the lower court or renders a decision in the case. The decision of the supreme court of the State is final, excepting for a certain class of cases designated by the Federal Constitution; which cases may be appealed to the inferior courts of the United States or to the Supreme Court of the United States. Cases tried in the supreme court of the State or of the United States are usually decided by the judges alone, without the intervention of a jury.

357. The Supreme Court of the United States.—The Constitution provides for one Supreme Court, which meets in the Capitol at Washington, D. C., and consists of a chief-justice and eight associate justices. It holds one session annually, beginning on the second Monday of October. A quorum consists of any six justices of the court, and the decision of a quorum is the decision of the court. It exercises original jurisdiction in all cases affecting ambassadors, other public ministers and consuls and those in which a State is a party. All other cases before it are cases appealed into it from State courts or from inferior courts of the United States. It may modify its own decisions, but its judgment is final.

358. Inferior Courts of the United States.—The Constitution empowers Congress to establish United States courts inferior to the Supreme Court. Under this authority it has established eighty-two District Courts, nine Circuit Courts,* and nine Appellate Courts. The District Court consists of the resident district judge. The Circuit Court consists of the Supreme Court justice alone, of the

* The nine circuits are—1. Maine, New Hampshire, Massachusetts and Rhode Island. 2. Vermont, Connecticut and New York. 3. New Jersey, Pennsylvania and Delaware. 4. Maryland, West Virginia, Virginia, North Carolina and South Carolina. 5. Georgia, Florida, Alabama, Mississippi, Louisiana and Texas. 6. Ohio, Michigan, Kentucky and Tennessee. 7. Indiana, Illinois and Wisconsin. 8. Minnesota, Iowa, Missouri, Kansas, Arkansas, Nebraska, Colorado, North Da-



THE SUPREME COURT OF THE UNITED STATES.

Circuit Court judge alone, of the two together, or either of them and the District Court judge. Each justice of the Supreme Court is assigned to a circuit. The Appellate Court may consist either of a justice of the Supreme Court, or of the Appellate Court judge, or of the Circuit Court judge and one or more of the District Court judges; two judges constitute a quorum in the Appellate Court. The Appellate Court, created March 3, 1891, relieves the Supreme Court of "all cases except those involving questions of jurisdiction, constitutional questions, or capital or infamous crimes. The cases which can be appealed to the Supreme Court of the United States are those involving the jurisdiction of the court from which the appeal is made; final sentences and decrees in prize cases; cases involving the construction of the Constitution or the law of a State claimed to be contrary to the Constitution, and cases appealed from the highest court of a State." The Appellate Court appoints in each district its own clerk and marshal.

In addition to the Circuit and District Courts, Congress has established the court of the District of Columbia, Territorial Courts, the Court of Claims and Consular Courts.*

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kota, South Dakota, Utah, Wyoming, Indian Territory, Oklahoma and New Mexico. 9. California, Oregon, Nevada, Montana, Washington, Idaho, Arizona and Alaska.

The eighty-two districts are—New York and Indian Territory, four each; Ohio, Pennsylvania and Texas, three each; Alabama, Arkansas, California, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Tennessee, Virginia, West Virginia and Wisconsin, two each; other States and territories, one each.

* The court of the District of Columbia exercises a civil and a criminal jurisdiction in that District. The Territorial courts exercise the same jurisdiction in the several Territories. The court of claims meets in Washington, and has the peculiar duty to decide what claims against the United States should be paid. The United States cannot be compelled to pay anything it owes, but Congress organized this court as a

The judges in the Federal courts are appointed by the President with the consent of the Senate, and hold office during good behavior. They may be removed from office on impeachment and conviction by the Senate. Any judge, having attained the age of seventy years, may retire on full pay after ten years of consecutive service. The compensation of the judges cannot be diminished during their tenure of office.*

359. Officers of United States Courts.—United States commissioners are appointed by the circuit judges to perform various duties, the principal of which are to arrest and hold for trial persons accused of offences against the United States, and to assist the district and the circuit courts by taking testimony for use in the trial of cases. The number of commissioners is at the discretion of the judges. To aid in the administration of justice, either State or Federal judges, a justice of the peace, or a magistrate may perform the duty of a commissioner. The State Government thus aids the Federal Government in arresting and examining accused persons. It is through the United States commissioner, or the official acting in his stead according to law, that the Federal Government exercises its power over individuals. A State officer exercising the authority of a commissioner acts as an officer of the United States, and not as a State officer.

For each of the eighty-two districts the President ap-

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judicial commision to examine all claims against the United States and to report its decisions to Congress. It files its opinions with a committee of Congress, and claims found due by the United States are paid by order of Congress out of unexpended money in the Treasury.

Consular courts are held, in some cases, by American consuls in service in foreign countries; the cases decided in them are such as arise in commercial transactions between Americans and foreigners where the matters in dispute are not of a grave nature.

* The salary of the chief-justice of the United States is $10,500 per annum; of his associates, $10,000; of the circuit court judges, $6000; of the district judges, $5000.

points a United States marshal and a district attorney. The marshal is the executive officer of the circuit and district courts, with duties corresponding to those of the sheriff in the county. The writ of a United States marshal has authority anywhere in the United States.* The district attorney is the law-officer of the United States for the district.†

360. Justice Secured under the Constitution.—By the exercise of the powers given to the Supreme Court by the Constitution, the people of the United States secure justice. The jarring interests of individuals could not be quieted except by the administration of law by a tribunal from whose decisions there can be no appeal. The United States Supreme Court is our court of last resort, and its judgments have been so tempered with wisdom that it has become in power what it has long been in name, "the balance-wheel in our system of government." Justice could not, however, be secured if the Federal Constitution could not be adapted from time to time to the interests of the nation as they have been recognized by the people. The Constitution makes provision for amendments, of which more than seven hundred have been proposed in Congress since 1789; the fifteen now in force were proposed by Congress and ratified by the State legislatures.

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* See ¶ 172, p. 99. † See ¶ 173, p. 99.

CHAPTER IX.

THE PEOPLE AND THE MONEY.

361. National Finance.—The industrial interests of the people of the United States require a national currency, a national revenue and a national system of banking. Congress alone has power to coin money and to regulate its value.

362. What is Money?—Money is a measure of value. The two precious metals, gold and silver, are used in the coinage of money because—

1. They easily receive and firmly retain impressions;
2. They do not rust;
3. They wear away but slowly;
4. They are easily detected from other metals;
5. They are easily alloyed and purified;
6. They represent a large amount of labor in a small compass.

For the coinage of money Congress has established mints at Philadelphia, Pa., San Francisco, Cal., New Orleans, La., and Carson City, Nev.; and assay-offices at New York, Charlotte, N. C., Boisé City, Id., and Denver, Col.

The coins of foreign lands usually bear an impress or figure of the sovereign during whose reign they were coined. Thus coins become of rare interest in the study of history and in obtaining portraits of famous men. The guinea took its name from the Gold Coast of Africa; the napoleon, from the famous soldier of France who first coined it. The coins of the United States bear the impress of the great seal of the people, a figure of Liberty and the

national motto, "E Pluribus Unum." Some have thought that our coins should bear the impress of the face of the President during whose administration they are coined. But this would be contrary to the spirit of the Constitution; the people are the Government; the Congress represents the people; and the symbol of the sovereignty of the people is therefore appropriately stamped upon our coins. The unit of value in our coinage is the dollar. The gold coins are the two-and-a-half dollar piece or quarter eagle, the five-dollar piece or half eagle, the ten-dollar piece or eagle and the twenty-dollar piece or double eagle. The silver coins are the dollar, half-dollar, quarter-dollar and dime. There are also coined the bronze one-cent piece and the nickel five-cent piece, known as "minor coins." Our coinage is based upon the decimal system, and was introduced by Thomas Jefferson after his ministry to France.*

363. Substitutes for Money.—The right to coin money carries with it the right to issue paper money. But paper bills are only the evidence of a credit, and are but substitutes for money.

The United States issues several substitutes for gold and silver which pass, under certain restrictions, as money. They are all bills of credit. They consist of Treasury notes, national bank-notes, coin certificates and scrip (sometimes issued).

At different times in our history the ordinary revenues of the Government have not been sufficient to meet its expenses. Rather than obtain funds by increased tax-

* The die of the Goddess of Liberty used on our early coins was first cut by Spencer, the inventor of the Spencer lathe. He cut a medallion of Washington's wife, and some of the first issue of coins were struck with her portrait. When Washington saw them he was much displeased, and requested that the figure be changed. Spencer then placed a cap on the head, altered the features a little and called it the "Goddess of Liberty."

ation, Congress has borrowed money on the faith and credit of the United States.

364. Treasury Notes. — Treasury notes, sometimes called "greenbacks," are promises to pay made by the Federal Government. These notes are a legal tender* at their face value for all debts public and private, except duties on imports and interest on the public debt.

365. National Bank-notes.—The notes printed by the Government and issued by the national banks are a legal tender in the payment of all dues to the United States except import duties, and for all dues from the United States except interest on the public debt. For debts between private individuals they are not a legal tender.

366. Coin Certificates.—Silver and gold certificates are issued by Congress on the security of the gold and silver dollars deposited in the Treasury of the United States. They are the nearest to money of any substitutes for money issued by the Government. They are receivable for customs, taxes and all public dues, and when so received may be reissued. They are a legal tender for all obligations, public and private, excepting that part of the national debt and the interest thereon that the Government has contracted to pay in gold coin of the United States.

367. Scrip, or Fractional Currency.—Paper scrip is similar to a Treasury note. It has been issued occasionally by Congress in fractional parts of a dollar for the convenience of the people, but in recent years the smaller silver coins have taken its place.

368. Government Bonds are evidences of indebtedness issued by the Federal Government for money which it has borrowed or for obligations which it has assumed. The bonds now in existence are those bearing interest

* A legal tender is such an offer of payment as a creditor must accept or forfeit his right to interest on the amount due him.

respectively at two per cent., three per cent., four per cent., and five per cent.*

369. National Banks.—On the 20th of February, 1863, Congress passed the law creating the national banking system. About a year later it was revised, and has continued to the present time without material change. Any number of persons, not less than five, may organize themselves into a corporation and apply to the Government for permission to become a national bank. The contributors to the capital of the bank are called stockholders. The stockholders elect the directors, and usually the directors elect the president, vice-president, cashier and other employés of the bank. The directors determine what portion of the capital shall be invested in United States bonds. On depositing these bonds with the treasurer of the United States the bank receives the amount of the bonds in national cur-

* In 1875, Congress authorized the issue of three classes of bonds, bearing interest at the rate of 5 per cent., 4½ per cent. and 4 per cent. respectively, to redeem bonds previously issued at a higher rate of interest. The right was reserved to redeem the 5-per-cent. bonds after July 1, 1885, the 4½-per-cent. bonds after Sept. 1, 1891, and the 4-per-cent. bonds after July 1, 1907. The 5-per-cent. bonds were redeemed previous to Jan. 1, 1886; of the 4½-per-cent. bonds, $250,000,000 were issued, of which, previous to July, 1891, there had been redeemed $199,130,800. During this month the Government decided that any of the holders of these bonds who desired might have the privilege, during the pleasure of the Government, of retaining them after Sept. 1, 1891, at 2 per cent. interest, and that those holders who desired could have their bonds redeemed on and after Sept. 2, 1891. These bonds were finally redeemed in 1900. Five per cent. bonds were issued in 1894, in 1895 and in 1896, but at such a premium that the interest payable on them is only about 3 per cent. Three per cent. bonds were issued in 1898 to defray the expenses of the war with Spain. Two per cent. bonds were issued in 1900.

The Pacific Railroad bonds are known as "Currency Sixes." They were issued to assist the Pacific Railroad Companies in building the roads. These bonds have matured and the interest on them has ceased.

rency or bank-bills, printed by the Government and issued by the bank, in such denominations as the bank requires. If the purchase of bonds by the bank amounts to $500,000, the bank will receive $500,000 in national bills for circulation. This $500,000 is loaned by the bank in the course of business; the bank also receives interest on the Government bonds it purchased. The bank does a discount business by purchasing securities, such as notes, drafts, etc. It loans its own issues and also the deposits made by its patrons. Thus a national bank is a bank of issue, a bank of deposit, a bank of discounts and a bank of loans.

National banks are required to create a surplus fund, for which purpose the directors must set apart each year ten per cent. of the profits of the bank until the surplus fund is equal to twenty per cent. of the capital of the bank. This surplus fund provides the means for making good any losses that may occur. National banks are also required to maintain a reserve fund in gold and silver coin equal to about twenty per cent. of the capital of the bank. By this provision the holders of national bank-notes may convert them into gold and silver by presenting the notes to the bank that issued them. For the protection of the interests of the people the Government inspects each national bank through a bank examiner, who is empowered to enter a national bank at any time, without notice, and examine its affairs. He reports the condition of the banks to the Comptroller of the Treasury.

370. Advantages of National Banks.—The advantages of national banks to the people are—

1. The bonds of the Government, which were issued as a substitute for money, are made the basis of a banking system, and are held by the Government as security for those who take the bank's bills.

2. All the national banks are based upon the same system, and the notes of these banks are a national currency. The notes of a Florida national bank pass at par in

Oregon; if the Florida bank were a State bank, its liabilities might not be guaranteed, and its notes would pass at a discount proportioned to the distance they circulated from the bank itself. Before the creation of the national banking law each State had a banking system of its own, and the finances of the country were frequently disturbed by the want of uniformity. The national banking system of the United States is more nearly perfect than any other system of finance in the world.

371. The National Debt exists in two forms—the in-interest-bearing and the non-interest-bearing debt. The interest-bearing debt consists of the two-per-cent., the three-per-cent., the four-per-cent., and the five-per-cent. Government bonds, and refunding certificates bearing four per cent. The non-interest-bearing debt consists of those Government bonds which have matured, but which have not yet been presented for payment, legal tender notes, old demand notes, national bank-notes and scrip or fractional currency. A large portion of the evidences of the national debt has doubtless been lost or destroyed, and will never be presented for payment. The principal and interest of the national debt must be paid by the people, and payment is guaranteed by the "full faith and credit" of the people of the United States.*

372. The Revenue of the United States is derived from—

1. Customs;
2. Internal revenue;
3. Direct tax;
4. Public lands;
5. Other sources.

The customs duties arise from the taxes on importations; the number of dutiable articles is about eleven hundred. The internal revenue is derived from taxes on spirits,

* Amount of the national debt, Jan. 1, 1902, was $1,333,231,564.14.

tobacco, fermented liquors and fines for violating the internal revenue laws. The income from the public lands is from sales of land, fees and surveys. By "other sources" is meant the receipts of the patent-office, copyrights, escheats, fines, penalties, etc.

373. Government Expenses.—The expenses of the Federal Government are—

1. The principal and interest of the public debt;
2. The expenses of the Government for salaries, care of Government property, etc.;
3. The expenses of the army and navy;
4. The expenses created by the Civil War: for pensions, war-claims, etc.;
5. The expenses necessary for the support of Government institutions, museums, hospitals, scientific investigations, internal improvements, and for all other measures instituted to promote the general welfare of the people.*

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* The total revenue of the Federal Government for the fiscal year ending June 30, 1901, amounted to $585,548,309.

The total expenditures of the Federal Government for the fiscal year ending June 30, 1901, amounted to $509,947,266.

The excess of receipts over expenditures for the fiscal year ending June 30, 1901, was $75,601,043.

The total amount of money in circulation Jan. 1, 1902, including gold, silver, gold and silver certificates, treasury notes, United States notes, currency certificates and national bank-notes, was $2,173,251,879.

CHAPTER X.

THE PEOPLE IN POLITICS.

374. Distrust of the People.—The only experiment in human history of popular government on a grand scale is the Government of the people of the United States. At the time of its organization European politicians disagreed as to the probable result of the experiment. Only a few believed that the new Republic would long survive the shocks incident to so novel an undertaking. Could a Government so constituted long endure? Would it not fall a prey to party greed, to factions, to political conspiracies or to the riot of the mob? Were the masses capable of self-government? Could the people be trusted to secure and to maintain their own substantial happiness? Could the governing and the governed become the same without the overthrow of all government? These questions, and many others like them, were asked a hundred years ago when the Government of the people of the United States began. In ancient times there were republics, such as Greece, and during the Middle Ages, such as those in Italy; but these republics decayed, and their very names are almost forgotten.

375. Influence of Traditions.—What has prevented the decay of the Government of the people of the United States?

Perhaps the first answer is, We did not break away entirely from our traditions when we organized a government for ourselves. An enduring government is composed of many elements, all of which may be arranged in two classes: those which are *institutional*, and those which are *constitutional*. The institutional elements are those

which enter into the way of life habitual to the people—their manner of thinking, their social institutions, their schools and their churches, their books and their papers, their industries and their amusements. The constitutional elements are political: they are such elements as gather about great public questions, methods of governing men, of repressing or of removing crimes and evils, of protecting interests and rights, and of securing these rights for the general welfare. Our traditions as a people aided us in developing our institutions from the past without a serious break; Europe instructed us in art and science and industry, but we were obliged to determine our constitutions chiefly by our own political experience. Fortunately for us, the men who were prominent in organizing our Government were conservative men. They were influenced by two systems of government at that time attracting the attention of the world: the English system of a constitutional monarchy, and the French system of a mixed democracy then advocated by French political writers. They adopted a system which embodied the best elements of both, the representative democracy; and to this day the chief executive, the Senate and the judiciary of the United States, by the system of indirect election by the people and by Federal appointment, continue the conservative elements peculiar to the English Government to which our fathers had been accustomed for many years. In the choice of our local officers, our State officers, and members of the national House of Representatives we approach closer to a democracy, but the approach is by the system of representation. Thus our Government, whether State or national, is a representative democracy.

376. Political Experience.—During the century mistakes have doubtless been made, but the general tendency of political affairs has been to promote the welfare of the people.

During the earlier years of our history the Constitution of the United States was the sole guide of our political leaders. It was then unincumbered by party interpretations and collateral growths. It was the text of an instrument awaiting interpretation by the will of the people. That interpretation has slowly grown with our national growth, and as we enter upon the second century of our history we possess a political experience which will aid us in avoiding many possible dangers of the future.

377. Equality Before the Law.—In a popular government, if one citizen suffers unjustly the rights of all are endangered. Equality before the law is the inborn right of every American citizen. Any element in our national life which endangers that fundamental right endangers our whole frame of government. The principal object of any organized government is to secure to the citizen his rights, to protect them, and so to constitute the public mind that nothing less than complete security and perfect protection will satisfy the conscience of the nation. All political combinations, all rings and monopolies, all corporations and social arrangements, which endanger the equal rights of each citizen before the law, must be torn up by the roots and cast away.

378. Origin of Political Parties.—On public questions, however, all men do not and cannot think alike. The very function of government is always in dispute. Shall the Federal Government be extended so as to include practically all local government under the excuse of promoting the general welfare? Shall the Federal Government limit itself wholly to administrative duties, attempting nothing for the individual citizen, but leaving his interests entirely to the care of the State? Shall the Federal Government be made paternal in its relations to the people? On these fundamental questions the people have widely differed. Political parties have sprung up among them, and have at last become so characteristic of popular gov-

ernment in this country that it is practically impossible to conduct our Government without the intervention of them. A political party is an organized body of men acting together for the accomplishment of certain results in governmental affairs.*

379. Contrasts and Comparisons.—When Washington was first chosen President political parties did not exist in the country, but they began during his second term. Then, and for nearly a quarter of a century after, political parties were local rather than national in character. The means for intercommunication were so imperfect that it was impossible for men living in distant parts of the country to organize and to transact political business with harmony and dispatch. Political parties have become organized forces in this country just as the means for communication between different parts of the country have been perfected. The age of post-horses gave way to the age of coaches; coaches were displaced by canals, and canals by railroads and telegraphs. When Hamilton was the leader of the Federal party in 1800, it took three months to carry his views to men of the same mind in distant Georgia, so difficult was the journey from New York to Savannah. To-day, the views of a national committee in New York are known in a few minutes in Galveston or in San Francisco. In Hamilton's day only the leaders participated in politics; the majority of men were disqualified by poverty or deterred by lack of interest from voting. The electors then voted *viva voce*, except in a few States which, like Massachusetts, had introduced the ballot. Now the use of the ballot is universal, religious and property qualifications have disappeared, and a man has the right to vote because he is a man.

380. The Organization of Political Parties.—With the more perfect means of communication of ideas in the

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* See ¶ 141, p. 84.

land, political parties have become more perfectly organized, until the perfection of party organization has occasioned the use of the word "machine" as descriptive of party methods. Each party is ruled by its committees, which begin in the township, the ward and the town. The ward committee sends a delegate to the convention of ward committees, and the city or county committee is chosen by the convention. County and city committees send delegates to State conventions, and State committees are chosen. The State committees are instrumental in choosing the greatest committee of all, the national committee, which usually directs a Presidential campaign, disburses the party funds, distributes the party speakers, and assists the various State committees whenever it is necessary. The work of the party machine is so concealed from public attention that even in the midst of a campaign it is scarcely detected. So strong is the power of a political party that it sometimes invades individual rights and attempts to dictate how individuals shall vote. Individual duty and party obligations sometimes conflict; the only safe guide for the individual is his conscience.

381. Party Influences.—Political parties have become mighty forces amongst us. They have grown with our growth as a people; they support influential newspapers; they print millions of political pamphlets and scatter them over the land. Books, magazines, public addresses on all phases of public questions keep the people familiar with the various views of the leading minds of the country. Steam, electricity, industrial and commercial interests bring the people into close political relations. It follows that the people divide into two great parties, which are to-day so closely balanced that the change of a thousand votes in a doubtful State will decide the result in a Presidential election. In the Presidential election of 1888 over eleven millions of votes were cast by the electors in the United States, and nearly in equal amounts for two candi-

dates. A change of one per cent. of the entire vote of New York, Indiana and California in favor of President Cleveland would have re-elected him to the Presidency. But political parties have not always been so closely balanced. When great issues have been at stake, as was the case in 1864 and 1872, the majority for the successful Presidential candidate was enormous. So large a majority is evidence that the people have very decided opinions on the issues before them, and that they think that some particular party is better qualified than another to carry out the principles of our Government. A small popular majority in a national election is evidence that the people are so equally divided in sentiment that they are about as willing to trust one party with power as the other. Political parties in the days of their strength have been moderate in the United States. President Hayes became President by a majority of one vote in the electoral college, yet there was no attempt to prevent his peaceful inauguration into office. It is doubtful whether in a similar case during the first sixty years of our history the party opposing would have allowed a President to be inducted into office.

382. Americans Conservative.—The reason for the change in public sentiment is found in the growth of the spirit of conservatism in the United States. We are a conservative people, although foreign observers do not always detect that element in our national character. Since President Jackson's administration the Government of the United States has become more democratic, the popular vote has reached its full strength, and the people participate closely in the determination of all important political issues. American conservatism is plainly seen in the respect for the law which is so characteristic of the people. Although a law may be bad, the people act on the principle that the best way to get rid of a bad law is to enforce it.

383. Political Issues.—The numerous public ques-

tions on which at various times the people have divided have taken significance from their intrinsic nature or from the times and circumstances under which they have arisen. The settlement of some of these issues has decided the character of the nation.* Of these issues the most important were—the Assumption of the Revolutionary Debt, the National Banking System, Internal Improvements, the Acquisition of Territory, Commercial Rights on the High Seas and the Payment of the National Debt.

National issues usually become State issues as well, because an elector in the United States is usually a party-man even in local politics; he supports his party candidate for school director with as much zeal as he supports his party candidate for Congress. On political issues political parties have not always maintained opposite doctrines. One party may favor internal improvements under one system, the other party favor it under another.

384. Platforms and Planks.—Each party usually formulates its opinions somewhat loosely in a series of resolutions called a "platform," passed by a party political convention. Each resolution is called a "plank." Party platforms do not always state the full intentions of the party, but every member of the party understands or claims to understand them. The campaign opens, the

* The greater financial issues have been—the Assumption of the Revolutionary Debt, 1789; the Chartering of the United States Bank, 1790; a Protective Tariff, 1832, 1846, 1888; a System of Internal Improvements, 1820–68; the issue of Paper Money by the Federal Government, 1863; the National Banking System, 1863–78; the Payment of the National Debt, 1872; and the Resumption of Specie Payments, 1879. Some of the industrial issues have been—Federal Aid to Canals and Railroads, 1820–68; Coast Surveys, the Establishment of Lighthouses, Scientific Explorations and Investigations, 1800–70; the Homestead Act, 1859–62; Slavery, 1789–1870; Immigration, 1888. Among the international issues have been—the National Boundaries, 1783–1872; Commercial Rights on the High Seas, 1812; the Acquisition of Territory, 1803, 1819, 1848, 1853, 1867; Neutrality, 1795, 1862.

appeal is made to the people, the ballots are cast and counted; the issue is settled until another election may again bring it forward for popular decision. The victorious party is the organ chosen by the people by which to administer the Government for a limited time.

385. Politics and the Constitution.—In the interpretation and determination of civil and political rights and duties political parties have advocated one of two systems of government—one based upon a strict, the other upon a liberal, construction of the Constitution.* These terms in our politics signify that the written Constitution has been consulted, and that its provisions are plainly expressive and strictly definite as to the course to be pursued, or that the Constitution is silent on the subject, or, if containing any reference to the proposition, it is not explicit. It has happened several times in our history that the Constitution has been appealed to by both parties for the time being; thus slavery was approached by all parties through the Constitution, but at last it was found necessary to amend the Constitution with respect to slavery. Foreigners who study our Government are apt to construe all our politics by our written constitutions, forgetting that our party politics take up questions which we consider entirely outside of the Constitution. The Constitution says nothing about a tariff, although it mentions "taxes, duties, imposts and excises." A tariff bill is a revenue bill, and the principal issue between the two great parties in 1888 was simply a question of Government revenue. The question then was not, "Shall the Government have a revenue?" but, "How shall the revenue be raised?" The constitutionality of a tariff was settled during the first Congress; the expediency of a tariff or how much tariff or on what articles may become a question at any national election.

386. Function of Parties.—By means of political

* See ¶ 141, p. 84, and ¶ 274, p. 152.

parties the people become closely familiar with the administration of their Government. They become acquainted with its wants, its scope and its character. They see that the Government is the will of the majority expressed by the administration in power. If the party in power makes bad use of the trust imposed upon it, it is turned out of office at the next election and the people try the other party. The responsibility to the people of the party conducting the Government is direct, and is felt in the daily life of each citizen. If my letters go wrong, I complain to the postmaster; if they continue to go wrong, I complain to the Postmaster-general. I blame the party in power represented by the President, and to the best of my ability I use my influence to prevent the continuation of that party in power. My reason for opposing that party may be utter folly to another man, but if my reason can be formulated in a party principle, I usually find many of my fellow-citizens who agree with me. If I doubt the wisdom of the party's action in Congress, I vote against that party when an election occurs. Thus it follows that I as a private citizen, joining with other private citizens, may change the administration.

A government like our own, based upon a free people acting through political parties constituted and organized out of its own body, is a government in which its whole responsibility rests upon the citizen. I am responsible with my fellow-citizens for the political condition of affairs; I, a private citizen, exercising my rights and performing my duties, am the free agent whose life and character determine largely the life and character of the government of which I am a constituent part.

387. Political Reforms.—The people have not always taken the lead in great reforms. Too often the masses are slow to detect the tendency of affairs and the necessities of the times. Leaders have then come forward; evil after evil has been exposed and attacked; the people have list-

ened, have thought, and at last have acted. Then the party of reform becomes the party administering the Government, and the nation reaches a loftier moral height than before. And it has happened that a party has changed its opinions, and after many years has become the defender of views which it opposed when first presented. Political parties in this country are a correct indication of the public mind.

388. Mobs and Courtesies.—With the changes in the social, industrial and moral life of the people a change has occurred in their political life. In early days the members of different political parties wore badges and hats and ribbons as party-marks. Political differences then were occasion for constant broils between individuals, and even the cause of fatal duels, as in the case of Hamilton. Members of different political parties then were disrespectful to each other in the street, lampooned each other through the newspapers, attacked each other's political headquarters and wantonly destroyed each other's property. Party rancor invaded the courts of justice and animated the judges against political offenders because of party opinions. The press was violent in its tone and political pamphlets of an abusive nature were issued. The masses were ignorant, passionate and easily aroused. Political processions were common occasions for serious riots; the polling-place was too often the scene of disorder. But with the increase of knowledge among the people political life has changed. No longer are riot and abuse and violence and judicial partisanship found. The whole feeling and thought of the people have been modified. In the city of Philadelphia during the Presidential campaign of 1888 a Democratic procession accidentally came in contact with a Republican procession. On the same spot nearly a century ago Federalists and Anti-federalists had met in a bloody riot during the excitement of a Presidential campaign; but now with orderly presence and with hearty

cheers the men in the Republican lines saluted their fellow-citizens of the opposite party, and opened their lines to allow them to pass; and the salute was returned with generous courtesy by the men in the Democratic lines. It is a mistake to think that politics are worse to-day than in the days of our fathers; the politics of to-day are purer, cleaner and better than the politics of the early days of the Republic. With the liberalization of ideas has come a liberalization of politics; not yet perfectly, for there is yet much in our politics that needs reform. Upon the individual citizen rests the responsibility of purity in elections, purity in party politics and honesty in the administration of government.

389. Liberty Enlightening the World.—In the harbor of the city of New York may be seen the statue of "Liberty Enlightening the World," a splendid gift from the people of France to the people of the United States. At night the uplifted torch, held high for the guidance of vessels, casts its friendly light for many leagues far out to sea. Typical of the friendship of two powerful nations of modern times, it is typical also of that sublime aspiration now so universal in the world, the love of liberty. Standing in the highway of the world's commerce, it suggests the spirit which controls the worldwide interests of the people of the United States and the interests of the other civilized nations of modern times. One touch of human brotherhood makes the world akin; one simple word of English speech signifies the sublime purpose of the foundation of popular government in this Western World. Faithful to the traditions of the past, mindful of the teachings of our fathers, keenly vigilant to the dangers that beset us, conservative in our thoughts and in our ways, faithful to each other, to ourselves and to God, we, the people of the United States, may transmit to our posterity a Government which shall continue to the latest day of the children of men.

"LIBERTY ENLIGHTENING THE WORLD."

CHAPTER XI.

THE CITIZEN.

390. How Considered in American Law.—A citizen is a person born or naturalized in the United States. Men, women and children are citizens. Those citizens who have the right to vote are electors. Native electors may fill any office within the gift of the people, and naturalized electors are eligible to any State or Federal office except that of the President and of the Vice-President. Since it is now possible for a member of the Cabinet to succeed the President in some contingencies, it is improbable that hereafter naturalized citizens will be called into the President's Cabinet, as they have been in several administrations in the past. A citizen of the United States residing in any State of the Union is a citizen of that State. Naturalized persons first become citizens of the United States, and then by right become citizens of the State in which they choose to reside. The naturalization of an alien naturalizes his wife and those of his children who are under age. The children of an alien who are born in this country, if they continue to live here, are considered natives; they may, however, when they become of age, elect to become citizens of the country of which their father was a citizen. Children of American citizens born in foreign lands are considered American citizens, unless when they become of age they elect to become citizens of the foreign country. Citizens of the United States are entitled to the protection of the American Government. Every citizen is born with

industrial, political, legal, social and moral rights and duties.

391. An Industrial Person.—It is my right and my duty as a citizen to exercise my powers industrially. In order to do this I require training and education, which are imparted to me by my parents and by the State organizing its efforts in a system of public education. Education is given to me as an opportunity in life at the expense of the community, which is taxed to support an educational system. Schools of high grade, such as technical schools, colleges and universities, offer more extensive means for training and acquisition, but not usually at the expense of the State. In most of the States, however, exist institutions of learning of higher rank than that of the common school, at which, if I choose, I may obtain further preparation for my work in life. As an industrial person I should equip myself to do some necessary and honorable work in the world; secure myself by training and acquisition against poverty and distress, and also thus secure the comforts of life to those who may be dependent upon my efforts. My first duty is to acquire a reasonable degree of skill that shall employ me in a manner most worthy of my powers. Life is real, and I must be prepared to act my part amid its realities. Not alone training the mind by means of books, but manual training and actually learning things and men, and thinking accurately and swiftly about them, constitute my best preparation for the industrial life. I may not work at a trade nor enter a profession nor farm nor buy nor sell, but if I assume to do any of these I must continue, for the best interests of myself and of my fellows, to be an industrial citizen.

392. A Political Person.—As a citizen I am a political person, governing and being governed. I participate in the life of my generation, discuss public questions, listen to others, join a political party which best expresses my

conscientious views, and to the best of my ability I act with that party for the welfare of my locality, my State and my country. In order to do this I must be acquainted with the nature of the government of which I am a part. My knowledge must extend to the examination of the motives of men, the duties of citizenship, the record of political parties, the consequences of political actions and the probable effect of those political measures which I support or oppose. Newspapers, books, travel, inquiry, information of all kinds, must be made subservient to that wise knowledge of men and measures which alone can make me a thinking citizen instead of an ignorant partisan. If an elector, I must vote as wisely as my judgment permits, and I must use my individual influence to secure purity in elections, official honesty and fidelity, and, above all, to create a wise and conscientious citizenship. This is a government "of the people, by the people and for the people." Therefore the people must be wise, just and faithful.

393. A Legal Person.—As a legal person I am in certain relations to men and to things. I indirectly make the laws if an elector, or directly if a legislator. I am subject to the laws. I inherit or obtain property, and thereby must assume responsibilities. I stand in personal relations, such as husband to wife, parent to child, child to parent, guardian to ward, brother to sister, employé to employer. In all of these relations I am responsible for my conduct. The ownership of property brings me into direct relations with the government, because my property aids in continuing that government. I am anxious for peace and prosperity, and must conduct my business according to the spirit as well as to the letter of the laws. If my services are demanded by the State or by the nation to carry arms for the defence of my country, I must go willingly and personally assist in continuing or in restoring the blessings of liberty to my fellow-citizens. I am

liable to jury-service and to the duties incident to official service, provided I am called to serve in a public capacity. In my business relations I am constantly subject to the performance of my contracts, whether expressed or implied. I am responsible for the payment of taxes to the local and to the State authorities. I have right to sue and to be sued, to appeal to the protection of the law if I am injured by another, and to have a free, full, speedy and impartial trial before a jury of my peers in case I am the defendant in a case at law. My legal rights are jealously guarded by the laws of the land and by the Constitution of the State and of the United States. My principal legal right is my equality of right with my fellow-citizens before the law.

394. As a Member of Society.—As a member of a free society composed of my fellow-citizens I enter a large group of relations. There are innumerable duties and rights necessary to the welfare of society which must be observed by the citizen, although there may be no special law requiring their observance. Mere laws cannot make society good. Laws are not better nor wiser than the community which enacts them. The unwritten laws of society are often more potent than the written laws. Public opinion praises or condemns human actions. I contribute to public opinion by expressing my own. I influence society by my character, my manner of life, my opinions, my use of property, my treatment of others, my ideas of right and wrong, my entire conduct as a human being. I must therefore consider the rights of society as general rather than as particular, as affecting masses of men rather than individuals. Society implies citizens as a community of moral persons. Public morals are not likely to be better than private morals; public opinion is colored by the private opinions of energetic men and women. As a member of society my duties enlarge to the consideration of "Who is my neighbor?" I must so live that the motives and principles that

actuate and direct my life, if applied as a rule, would operate for the welfare of society.

395. As a Moral Person.—Government is moral because the individuals who constitute it are moral in their nature. All that tends toward goodness and happiness and honor and civilization is moral. Unfortunately, there are criminals and evil men in human society. These must be controlled or removed. Prisons and jails are as necessary as school-houses and churches. Great cities are crowded with the vicious and the unfortunate, whose children are endangered by evil associations and whose training is accidental or immoral. Morality is fostered by industry, sobriety, righteousness and self-government. There is something within me that tells me of higher relations than those of earth. I have aspirations for eternal life. I know that God is; that right makes might; that morality conduces to my welfare, to the welfare of society and to the peace of the whole world. My moral relations are the loftiest which I can possibly sustain, because by them I stand a brother to my fellows and a child of God.

The chief duty of a citizen of the United States is to use his influence, and if he is an elector to deposit his vote, for purity in politics and for the education of the people, industrially, politically and morally.

CHAPTER XII.

THE NATION.

396. The Elements of the Nation.—The Nation is the people as a moral unity, not merely the people as enumerated in the census. It is a moral organic whole, not a confederation of individuals as a heap of sand is an accumulation of individual grains. Thus the Nation is distinct from a mob, a party, a faction or an association of individuals. It is distinct from the offices created in its formal expression of government. It is distinct from its constitution and its treaties. The elements of the Nation are the people and the land. The Nation is the whole people as a moral person, and the field of the Nation's activity is the land. The use of the land is sacred to nationality. The synonym of nationality has been for ages the people and the land. The land of our Nation will extend as far as the sovereign will of the Nation moving in the realization of its moral character shall dictate. Natural boundaries alone can determine its confines. It is probable that only the waves of the ocean, the cold of the north and the heat of the south will ultimately mark the boundaries of our national domain.

397. The Sovereignty of the Nation.—The Nation alone is sovereign. Its will is expressed from time to time by its chosen representatives acting together in convention. The Nation is older than the written Constitution. As a sovereign it determines for itself its aim and its object in history. It declares its will and embodies its spirit in its institutions. Its sovereign rights are those of self-preserva-

tion, the power to declare war and to conclude peace, to enter into treaties with other nations, to coin money and to exercise the right of eminent domain. No powers can be greater than these. They identify the Nation as a conscious moral being. As a sovereign the Nation enters into relations with other nations by treaty. A treaty thus made becomes a part of the supreme law of the land. International law is thus made possible by the comity of nations, and individuals may partake of the benefits thus conferred by solemn agreements between the sovereigns.*

398. The Nation and the Constitution.—The Government of the people of the United States is the formal expression of the will of the Nation, as the law of the land fashioned as the method of civil and political procedure. The unwritten constitution is the development of the Nation in history, its customs, its laws, its opinions, its moral sense finding expression in its institutions. The formal, the written Constitution, is changed by the will of the people. Social revolutions, industrial changes, political revolutions cause changes in the written supreme law of the land. At critical times in the Nation's history the written Constitution is naught, and the people by their decision or indecision impart to the written instrument a new meaning or wholly reconstruct the formal Constitution.

399. The Nation and the Citizen.—The existence of the citizen is necessary to the existence of the Nation, and the Nation is necessary to the existence of the citizen. The Nation is not apart from the citizen; he is in and of the Nation. In it and through it he realizes his rights and is protected in them. The individual is a moral person; so

* The United States has treaties with the Argentine Republic, Austria-Hungary, Barbary Powers, Bavaria, Brazil, China, Colombia, New Granada, Costa Rica, Honduras, Denmark, France, Germany, Great Britain, Hanseatic Republic, Hawaii, Italy, Japan, Mexico, Netherlands, Paraguay, Peru, Portugal, Russia, Sardinia, Spain, Norway and Sweden, Switzerland, Tripoli, Turkey, Venezuela and Würtemberg.

is the Nation. Each has a law peculiar to its own being. Both have an origin by the will of God, and each moves in the world as a moral power. Society is thus composed of moral elements; "Man is born a citizen." The citizen has his own destiny to work out consistent with the moral order of the world. All he can realize is made possible to him by his own nature, and he is responsible for the exercise of his own powers. When every citizen, conscious of his industrial, his political, his social and his moral responsibilities, lives consistent with the laws of his moral nature, then, and not till then, has the Nation its full strength and the citizen a realization of a complete life. The Nation complements the moral activities of the citizen, and institutes and maintains for his benefit a field for his reasonable activities and his normal development. The Nation is thus bound to educate the citizen harmoniously, offering him opportunities for industrial, political, social and moral training. It has as a constant function the placing within his reach the realization of his loftiest hopes and his moral purposes, and to exalt his manhood and ennoble human life with human sympathy and brotherly affection. The majesty of law, the authority of Government, the solemn declarations of treaties and constitutions, gather like a benediction on the sacredness of the family and the home.

400. The Nation and its Foes.—The foes of the Nation are the forces that would disintegrate it, and with which it wages a perpetual conflict. These are the confederacy and the empire. The confederacy resolves the Nation into selfish, warring, individual elements, destructive of the moral unity of the people. The empire chokes the freedom of the Nation and raises the arbitrary will of an individual into supremacy. The confederacy cannot endure; the empire cannot be free. The confederacy tends toward anarchy; the Nation is the type of peace and order. The empire tends toward an absolute monarchy; the Nation is the type of moral freedom. The confederacy

is a type of Nihilism, which is the negation of civil government; it is of necessity the patron of Socialism, because the confederacy cannot control the political and social vagaries of its votaries. The confederacy is a transient voluntary contract between individuals; the Nation is the normal condition of the moral people as a whole. The confederacy is an artificial creation; the Nation is a natural growth. The confederacy is like a heap of grains of sand; the Nation is a living being. As the Nation triumphs over the confederacy it realizes its sovereignty; as it triumphs over the empire it realizes its freedom.*

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* Communism, Socialism, Nihilism and Anarchism are organized foes of the Nation.

Communism seeks social perfection in a putting in common of persons and of things; it destroys the family and private property. It attacks the foundations of modern society.

Socialism seeks to modify existing laws, manners and customs, especially those relating to property, capital, labor, rent, taxation and the ownership of public franchises by the Nation, the State, the city, the county and the town. To the conservative, the changes suggested by Socialists seem fanciful and destructive of civil government.

Nihilism, as the name signifies, is the negation of all government. It seeks to overthrow all existing civil government by assassination, dynamite bombs or revolutionary measures of any kind. Nihilism is the reflex political organization of revolt against the autocracy and enthroned selfishness of absolute monarchy. The political exiles in Siberia are principally Nihilists. Anarchism and Nihilism are practically the same forms of lawlessness.

Societies and individuals holding and teaching ideas destructive to the welfare of our country have within recent years caused riot and bloodshed in several of our great cities. Without doubt, the people of the United States harbor foreigners who hold political ideas wholly at war with those which lie at the foundation of our free Government. It is the duty of every American citizen to know his rights and to perform his duties; to understand the privileges of his own Government; to carry out its humane principles; and to eradicate, by lawful means, all influences injurious to the peace and welfare of his native land.

401. The Nation the Permanent Element in History.—The Nation alone is permanent; it is as old as history. Governments are the passing forms of nationality. The mission of the Nation on the earth is to enfranchise man, to exalt humanity, to realize a divine idea among men. God rules in the affairs of men; he is the God of nations also. Centuries pass; new faces come and go; new voices are heard over the earth; other hands labor, and other men enter into their labors with the glory of new duties and the enthusiasm of the exercise of new rights. A pure morality, a lofty statesmanship, a sacrificial devotion among the people to the rights and duties of citizenship alone keep the Nation from decay. Invention and discovery ameliorate the condition of men; science and art enlarge the bounds of human knowledge; but the Nation alone as a moral power in the world can carry on the work of history. "The Nation is formed as a power on the earth. It is invested with power of God; its authority is conveyed through no intermediate hands, but is given of God. It is clothed with His majesty on the earth."

402. The National Flag and Seal.—The symbol of the Nation is the flag; the evidence of the authenticity of its decrees is the great seal. To an American the flag of his country is an object of veneration; to the people of other lands it is the symbol of liberty, union, peace, happiness and prosperity. Wherever the flag floats the voice of the Nation is heard, and the imprint of the great seal is the solemn proof of its message. The honor of the Nation is the honor of its flag.

403. The People of the United States.—To the people of the United States are entrusted the sacred interests of government. Each citizen is the keeper in trust of the happiness of himself and of those who will come after him. The people are the Nation, and they are to work out on earth the realization of human rights, industrially,

politically, socially and morally. As the Nation is the power that alone realizes the ends and purposes of government, it is by understanding the Nation that we learn the rights and duties of American citizenship. It is for the nations of modern times to realize the hopes of humanity, to be the answer to the prayers of the ages. Popular government is the great experiment of history. The voyage is already begun. We cannot turn back. We are one of an argosy of nations moving toward the freedom of humanity.

"Thou, too, sail on, O Ship of State!
Sail on, O Union strong and great!
Humanity, with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope.

"Fear not each sudden sound and shock;
'Tis of the wave, and not the rock·
'Tis but the flapping of the sail,
And not a rent made by the gale.
In spite of rock and tempest roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea.
Our hearts, our hopes, are all with thee:
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee."

PART IV.

STATE PAPERS.

The Government of the People of the United States can be best understood by examining, at first hand, the institutions and the constitutions of the American people. Every American citizen has the inestimable and peculiar privilege of examining for himself the sources of the Government under which he lives. "It is only religion and morals and knowledge that can make men respectable and happy under any form of government."—WEBSTER.

A lawyer lecturing on the Constitution of the United States would necessarily start from the Constitution itself. But he would soon see that the articles of the Constitution required a knowledge of the Articles of Confederation; that the opinions of Washington, of Hamilton, and generally of the "Fathers," as one sometimes hears them called in America, threw light on the meaning of various constitutional articles; and, further, that the mean-

ing of the Constitution could not be adequately understood by any one who did not take into account the situation of the colonies before the separation from England, and the rules of common law, as well as the general conceptions of law and justice, inherited by the English colonists from their English forefathers.—DICEY.

The great elements, then, of the American system of government, originally introduced by the colonists, and which were early in operation and ready to be developed more and more as the progress of events should justify or demand, were—

Escape from the existing political system of Europe, including its religious hierarchies, but the continued possession and enjoyment of its science and arts, its literature and its manners;

Home government, or the power of making in the colony the municipal laws which were to govern it;

Equality of rights;

Representative assemblies or forms of governments founded on popular elections.—WEBSTER.

STATE PAPERS.

THE MAYFLOWER COMPACT, 1620.*

In the name of God, Amen; We, whose names are underwritten, the loyall subjects of our dread soveraigne King James, by the grace of God, of Great Britaine

* Among the Pilgrims were some lawless adventurers who thought that as soon as they came ashore they could do as they pleased, and that no one would have power to restrain them, because the patent under which the Pilgrims came was for Virginia, not for New England, which was governed by another company. But the men who made the Mayflower compact embodied the best tendencies and traditions of English government, and now, tried by the demands of a primitive state of society, were equal to them. Although the king's government was far away, the law-abiding men among the colonists at once associated themselves together under a form of government based upon the popular will, and lawlessness was quickly restrained or punished.

"That wild fellow, John Billington, and others from London have been obliged to behave themselves on shipboard; but, now that they are about to land, declare that they will do as they please. John Carver will have no authority on shore; they will be in the king's domain, and John Carver holds no commission from the king, nor have the Pilgrims any charter. The Pilgrims will see about that. They are men who respect law and order, and intend to have order in their community. It is their *right*—not derived from the king, but a *natural* right. In the cabin of the ship they sign their names to a solemn covenant."—COFFIN.

"This instrument was signed by the whole body of men, forty-one in number, who, with their families, constituted the one hundred and two, the whole colony, 'the proper democracy' that arrived in New England. Here was the birth of popular constitutional liberty. In the cabin of the Mayflower humanity recovered its rights, and instituted government on the basis of 'equal laws' enacted by all the people for the general good."—BANCROFT.

France, and Ireland King, defender of the faith, etc., haveing undertaken, for the glorie of God, and advancemente of the Christian faith and honor of our king and countrie, a voyage to plant the first colonie in the Northerne parts of Virginia, doe, by these presents, solemnly and mutually, in the presence of God, and one of another, covenant and combine ourselves together into a civill body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and, by vertue heareof, to enacte, constitute, and frame, such just and equall laws, ordenances, acts, constitutions and offices, from time to time, as shall be thought most meete and convenient for the generall good of the Colonie. Unto which we promise all due submission and obedience. In witnes whereof we have hereunder subscribed our names, at Cap Codd, the 11th of November, in the year of the raigne of our sovereigne lord, King James, of England, France, and Ireland the eighteenth, and of Scotland the fifty-fourth, Anno Domini, 1620.

THE FIRST DECLARATION OF RIGHTS.*

Resolves of the Convention of the English Colonies at New York, October 19, 1765.

THE Congress, upon mature deliberation, agreed to the following declarations of the rights and grievances of the colonists in America:

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty, to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists and of the grievances under which they labor by reason of the several late acts of Parliament.

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* From 1620 to 1765 the people of the colonies increased rapidly in numbers and in wealth. Their own interests and their relations with the mother-country became more complex. The English Government trespassed repeatedly upon the natural and the constitutional rights of the Americans, until, at the suggestion of the Massachusetts legislature, a congress of representatives from nine of the colonies met at the City-hall, New York, October 7, 1765, by whom a Declaration of Rights, setting forth the liberties of the colonies, was issued. The people were still loyal subjects of the Crown. They were a conservative people, proud of their traditions and calmly asserting their *ancient and undoubted rights*. The declaration was the dignified appeal of a liberty-loving people to the king, that he should protect them in their rights.

1. That His Majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm; and all due subordination to that august body, the Parliament of Great Britain.

2. That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural-born subjects within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

5. That the only representatives of the people of these colonies, are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

6. That all supplies to the Crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to His Majesty, the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties in the British colonies and plantations, in America, etc." by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty be-

yond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately centre in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

11. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King, or either house of Parliament.

Lastly, That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor by a loyal and dutiful address to His Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament, whereby the jurisdiction of the admiralty is extended, as aforesaid, and of the other late acts for the restriction of American commerce.

THE DECLARATION OF INDEPENDENCE—1776.*

In Congress, July 4, 1776.

The unanimous Declaration of the thirteen United States of America.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government be-

* The Declaration of Rights was unheeded by the king; the liberties of the people were set at naught by the British Parliament; and the Americans were forced, in self-preservation, "to assume among the powers of the earth" the character and position of an independent nation. The conservative character of the people was again illustrated in the calm and dignified spirit of the great state paper which was issued to the world. It was the formal declaration of political opinions long current in America, and constitutes the first national paper in our history. By its promulgation popular government on a grand scale began. The people of the colonies declared themselves a new nation.

FAC-SIMILE OF THE ORIGINAL DRAUGHT BY JEFFERSON OF THE

DECLARATION OF INDEPENDENCE

In Congress 4th July, 1776.

A Declaration by the Representatives of the UNITED STATES OF AMERICA, in General Congress assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature & of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal & independent: that from that equal creation they derive rights inherent & inalienable, among which are the preservation of life & liberty, & the pursuit of happiness: that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying it's foundation on such principles & organising it's powers in such form, as to them shall seem most likely to effect their safety & happiness. prudence indeed will dictate that governments long established should not be changed for light & transient causes: and accordingly all experience hath shewn that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses & usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government & to provide new guards for their future security. such has been the patient sufferance of these colonies & such is now the necessity which constrains them to alter their former systems of government. the history of the present king of great britain is a history of unremitting injuries and usurpations, among which, to contradict the uniform tenor of the rest, all of which have in direct object the establishment of an absolute tyranny over these states. to prove this, let facts be submitted to a candid world. for the truth of which we pledge a faith yet unsullied by falsehood.

he has refused his assent to laws the most wholesome and necessary for the public good.

he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained: and when so suspended, he has neglected to attend to them.

he has refused to pass other laws for the accomodation of large districts of people unless those people would relinquish the right of representation, a right inestimable to them & formidable to tyrants only.

he has called together legislative bodies at places unusual, uncomfortable & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

he has dissolved representative houses repeatedly & continually for opposing with manly firmness his invasions on the rights of the people.

he has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time exposed to all the dangers of invasion from without, & convulsions within.

he has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, & raising the conditions of new appropriations of lands.

he has obstructed the administration of justice totally to cease in some of these states refusing his assent to laws for establishing judiciary powers.

he has made our judges dependant on his will alone, for the tenure of their offices, and the amount & payment of their salaries.

he has erected a multitude of new offices & sent hither swarms of officers to harass our people & eat out their substance.

he has kept among us in times of peace, standing armies without the consent of our legislatures.

he has affected to render the military independent of & superior to the civil power.

he has combined with others to subject us to a jurisdiction foreign to our constitutions & unacknowledged by our laws; giving his assent to their pretended acts of legislation

for quartering large bodies of armed troops among us:

for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states:

for cutting off our trade with all parts of the world:

for imposing taxes on us without our consent:

for depriving us of the benefits of trial by jury:

for transporting us beyond seas to be tried for pretended offences:

for abolishing the free system of english laws in a neighbouring province, establishing therein an arbitrary government and enlarging its boundaries so as to render it at once an example & fit instrument for introducing the same absolute rule into these colonies:

for taking away our charters, abolishing our most valuable laws & altering fundamentally the forms of our governments:

for suspending our own legislatures & declaring themselves invested with power to legislate for us in all cases whatsoever.

he has abdicated government here, withdrawing his governors & declaring us out of his allegiance & protection.

he has plundered our seas, ravaged our coasts, burnt our towns & destroyed the lives of our people.

he is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation & tyranny, already begun with circumstances of cruelty & perfidy unworthy the head of a civilized nation.

he has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends & brethren, or to fall themselves by their hands.

he has excited domestic insurrections amongst us, & has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes & conditions.

he has incited treasonable insurrections of our fellow-citizens with the allurement of forfeiture & confiscation of our property.

he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of infidel powers, is the warfare of the christian king of great britain. determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people upon whom he also obtruded them: thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.

in every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries. a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free. future ages will scarce believe that the hardiness of one man adventured within the short compass of twelve years only, to lay a foundation so broad & undisguised for tyranny over a people fostered & fixed in principles of liberty.

nor have we been wanting in attentions to our british brethren. we have warned them from time to time of attempts by their legislature to extend a jurisdiction over these our states. we have reminded them of the circumstances of our emigration & settlement here. no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of great britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and we appealed to their native justice & magnanimity, as well as to the ties of our common kindred to disavow these usurpations which were likely to interrupt our connection & correspondence. they too have been deaf to the voice of justice & of consanguinity. & when occasions have been given them by the regular course of their laws of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. at this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. these facts have given the last stab to agonizing affection, & manly spirit bids us to renounce for ever these unfeeling brethren. we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have been a free & a great people together: but a communication of grandeur & of freedom it seems is below their dignity. be it so, since they will have it. the road to happiness & to glory is open to us too: we will climb it in a separate state, and acquiesce in the necessity which denounces our eternal separation.

We therefore the representatives of the United States of America in General Congress assembled, do in the name & by authority of the good people of these states reject and renounce all allegiance & subjection to the kings of great britain & all others who may hereafter claim by, through, or under them; we utterly dissolve & break off all political connection which may have subsisted heretofore between us & the people or parliament of great britain: and finally we do assert and declare these colonies to be free and independant states, and that as free & independant states they have full power to levy war, conclude peace, contract alliances, establish commerce & to do all other acts and things which independant states may of right do. And for the support of this declaration we mutually pledge to each other our lives our fortunes & our sacred honour.

John Hancock

Josiah Bartlett, Wm Whipple, Saml Adams, John Adams, Robt Morris, Benjamin Rush, Benj Franklin, John Morton, Geo Clymer, Jas Smith, Geo Taylor, James Wilson, Geo Ross, Caesar Rodney, Geo Read, Tho M'Kean, Wm Floyd, Phil Livingston, Frans Lewis, Lewis Morris, Richd Stockton, Jno Witherspoon, Fras Hopkinson, John Hart, Abra Clark, Robt Treat Paine, Elbridge Gerry, Steph Hopkins, Wm Ellery, Roger Sherman, Sam'l Huntington, Wm Williams, Oliver Wolcott, Matthew Thornton, Chas Carroll of Carrollton, Geo Wythe, Richd Henry Lee, Th Jefferson, Benj Harrison, Thos Nelson jr., Francis Lightfoot Lee, Carter Braxton, Wm Paca, Thos Stone, Geo Walton, Edward Rutledge, Thos Heyward jr., Thos Lynch jr., Arthur Middleton, Button Gwinnett, Lyman Hall, Geo Walton, Wm Hooper, Joseph Hewes, John Penn, Edward Rutledge, Thos Heyward jr., Thos Lynch jr., Arthur Middleton, Button Gwinnett, Lyman Hall, Geo Walton.

comes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Leg-

islature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed men among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty, and perfidy scarcely paralleled in the most barbar-

ous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing

to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved: and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

ARTICLES OF CONFEDERATION—1777.*

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names, send greeting.

WHEREAS the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the words following, viz.

"*Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.*

ARTICLE I. The style of this confederacy shall be "The United States of America."

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* The Declaration of Independence was the prelude to a preliminary national constitution, The Articles of Confederation. Some provision for a general government was recognized as necessary. Obeying the lessons of their own experience of two centuries and a half of local government, the representatives of the people, in Congress assembled, adopted a constitution for the Confederation of States which the colonies had become. The Articles of Confederation constitute our first effort to form a "perpetual Union."

ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governor or Executive power, of the State from which he fled, be delivered up

and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State without the consent of the

United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field

pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States,

in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace —appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences

now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner

before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward:" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States—fixing the standard of weights and measures throughout the

United States—regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each State for

its quota, in proportion to the number of white inhabitants in each State; which requisition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men and clothe, arm and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a

commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into

the same, unless such admission be agreed to by nine States.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it has pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confedera-

tion are submitted to them. And that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.*

The Preamble.

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Article I.

THE LEGISLATIVE DEPARTMENT.

Section I.—The Congress in general.

"All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Section II.—The House of Representatives.

1. "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

2. "No person shall be a Representative, who shall not have attained to the age of twenty-five years, and been seven

* The Articles of Confederation proved by experience inadequate to the wants of the people of the United States, and they were supplanted by the Constitution.

"The American Constitution, with its manifest defects, still remains one of the most abiding monuments of human wisdom, and it has received a tribute to its general excellence such as no other political system was ever honored with."—Freeman.

years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

3. "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three."*

4. "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies."

5. "The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment."

Section III.—The Senate.

1. "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote."

2. "Immediately after they shall be assembled, in consequence of the first election, they shall be divided as

* This clause has been superseded by the Fourteenth Amendment to the Constitution.

equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

3. "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

4. "The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."

5. "The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

6. "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present."

7. "Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

Section IV.—Both Houses.

1. "The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

2. "The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

Section V.—The Houses Separately.

1. "Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide."

2. "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

3. "Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal."

4. "Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

Section VI.—Privileges and Disabilities of Members.

1. "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law,

and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place."

2. "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office."

Section VII.—Mode of Passing Laws.

1. "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

2. "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented

to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."

3. "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a case of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Section VIII.—Powers Granted to Congress.

1. "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

2. "To borrow money on the credit of the United States."

3. "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

4. "To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States."

5. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

6. "To provide for the punishment of counterfeiting the securities and current coin of the United States."

7. "To establish post-offices and post-roads."

8. "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

9. "To constitute tribunals inferior to the Supreme Court."

10. "To define and punish piracies and felonies committed on the high seas, and offences against the law of nations."

11. "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

12. "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."

13. "To provide and maintain a navy."

14. "To make rules for the government and regulation of the land and naval forces."

15. "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

16. "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress."

17. "To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square), as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and

18. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the

Government of the United States, or in any department or officer thereof."

Section IX.—Powers Denied to the United States.

1. "The migration or importation of such persons, as any of the States, now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

2. "The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it."

3. "No bill of attainder, or *ex post facto* law, shall be passed."

4. "No capitation or other direct tax shall be laid, unless in proportion to the *census* or enumeration, herein before directed to be taken."

5. "No tax or duty shall be laid on articles exported from any State."

6. "No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties, in another."

7. "No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published, from time to time."

8. "No title of nobility shall be granted by the United States: and no person, holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Section X.—Powers Denied to the States.

1. "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility."

2. "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

3. "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

ARTICLE II.

THE EXECUTIVE DEPARTMENT.

Section I.—President and Vice-President.

1. "The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:"

2. "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of

trust or profit under the United States, shall be appointed an Elector."

3.* "The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such a majority, and have an equal number

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* This clause has been amended and superseded by the Twelfth Amendment to the Constitution. By the provisions of the original clause the person in the electoral college having the greatest number of votes (provided he had a majority of the whole number of electors appointed) became President, and the person having the next greatest number of votes became Vice-President, thus giving the Presidency to one political party and the Vice-Presidency to another. In the year 1800 the Democratic Republicans determined to elect Thomas Jefferson President and Aaron Burr Vice-President. The result was that each secured an equal number of votes, and neither was elected. The Constitution then, as now, provided that in case the electoral college failed to elect a President, the House of Representatives, voting as States, should elect. The Federalists distrusted and disliked Jefferson; the Democratic Republicans and some of the Federalists distrusted and disliked Burr. The vote in the House on the thirty-sixth ballot gave the Presidency to Jefferson and the Vice-Presidency to Burr. In order to prevent a repetition of so dangerous a struggle, the Twelfth Amendment, by which the electoral votes are cast separately for the candidates for President and for Vice-President, was proposed by Congress Dec. 12, 1803, and declared in force Sept. 25, 1804.

of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President."

4. "The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

5. "No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

6. "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

7. "The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have

been elected, and he shall not receive within that period, any other emolument from the United States, or any of them."

8. "Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"

Section II.—Powers of the President.

1. "The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

2. "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

3. "The President shall have power to fill up all vacancies that may happen, during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

Section III.—Duties of the President.

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

Section IV.—Impeachment of the President.

"The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

ARTICE III.

JUDICIAL DEPARTMENT.

Section I.—United States Courts.

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

Section II.—Jurisdiction of the United States Courts.

1. "The Judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the

United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

2. "In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make."

3. "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place, or places, as the Congress may by law have directed."

Section III.—Treason.

1. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court."

2. "The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

ARTICLE IV.

Section I.—State Records.

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof."

Section II.—Privileges of Citizens.

1. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

2. "A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

3. "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."*

Section III.—New States and Territories.

1. "New States may be admitted by the Congress into this Union; but no new State shall be formed, or erected, within the jurisdiction of any other State; nor any State

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* **The Underground Railroad.**—Before the abolition of slavery a system of aiding runaway slaves to reach Canada was perfected in various parts of the country. From different points on the Canadian frontier to the Southern States were secret routes, along which, generally by night, slaves were helped to freedom by persons opposed to slavery. The whole movement was unlawful at the time, and was popularly known as the "Underground Railroad." A slave reaching British soil instantly became free.

be formed, by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

2. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Section IV.—Guarantee to the States.

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence."

ARTICLE V.

POWER OF AMENDMENT.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Article VI.

PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

1. "All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."

2. "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

3. "The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

Article VII.

RATIFICATION OF THE CONSTITUTION.

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

AMENDMENTS TO THE CONSTITUTION.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA,*

Proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

Article I.—Freedom of Religion, etc.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Article II.—Right to Bear Arms.

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Article III.—Quartering Soldiers on Citizens.

"No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law."

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* More than seven hundred amendments to the Constitution have been proposed since it was adopted. Several are usually proposed at each session of Congress.

The first twelve articles of amendment to the Federal Constitution were adopted so soon after the original organization of the Government under it in 1789 as to justify the statement that they were practically contemporaneous with the adoption of the original (JUSTICE MILLER, *U. S. Supreme Court*).

Article IV.—Search-Warrants.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Article V.—Trial for Crime, etc.

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Article VI.—Rights of Accused Persons.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence."

Article VII.—Suits at Common Law.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be

otherwise re-examined in any court of the United States, than according to the rules of the common law."

Article VIII.—Excessive Bail.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Article IX.—Rights Retained by the People.

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Article X.—Reserved Powers of the States.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Article XI.

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."*

Article XII.—Mode of Choosing the President and Vice-President.

1. "The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one

* In the case of Chisholm *vs.* The State of Georgia, the Supreme Court decided that under Article III. § 2 of the Constitution a private citizen of a State might bring suit against a State other than the one of which he was a citizen. This decision, by which a State might be brought as defendant before the bar of a Federal court, was highly displeasing to the majority of the States in 1794. On the 5th of March of that year the Eleventh Amendment was passed by two-thirds of both houses of Congress, and declared in force January 8, 1798. Practically, the amendment has been the authority for the repudiation of debts by several States.

of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, and in case of the death, or other constitutional disability, of the President."

2. "The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Sen-

ators; and a majority of the whole number shall be necessary to a choice."

3. "But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States."

Article XIII.—Abolition of Slavery.

1. "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

2. "Congress shall have power to enforce this article by appropriate legislation."*

Article XIV.—Right of Citizenship, etc.

1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."†

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* The Emancipation Proclamation and the events of the Civil War led to the adoption of the Thirteenth Amendment. Its language is substantially the same as that used in the celebrated ordinance of 1787. It was proposed April 8, 1864, and proclaimed in force Dec. 18, 1865.

† The events of the Civil War (1861–65) made necessary an entire reconstruction of political society in the United States, to accord with the new conditions produced by the abolition of slavery. The object of the amendment was to confer citizenship upon negroes, and to make it an object to all the States to recognize and further this right. It was proposed June 8, 1866, and declared in force July 28, 1868. The amendment is especially illustrative of the "reconstruction" ideas in force after the war. The amendment made the people of the colored race citizens of the United States, and conferred upon them the equal protection of the laws.

2. "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State."

3. "No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

4. "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void."

5. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Article XV.—Right of Suffrage.

1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

2. "The Congress shall have power to enforce this article by appropriate legislation."*

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* "The Constitution of the United States does not confer the right of suffrage upon any one" (CHIEF-JUSTICE WAITE). An amendment was necessary to prevent the States or the United States from giving preference, in the right to vote, to one citizen of the United States over another on account of race, color or previous condition of servitude. "The Fifteenth Amendment had the effect in law of removing from the State constitutions, or making void, any provision in them which restricted the right to vote to the white race" (JUSTICE HARLAN). By the second section Congress is expressly empowered to enforce the amendment. It was proposed by Congress Feb. 26, 1869, and proclaimed in force March 30, 1870. This amendment illustrates the liberal character of the Government of the people of the United States, and a striking contrast may now be drawn between the narrow and somewhat selfish principles of the Federal Government in 1789, and the broad and humane principles which actuate the nation at the present time.

EMANCIPATION PROCLAMATION BY PRESIDENT LINCOLN, JANUARY 1, 1863.*

WHEREAS, On the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing among other things the following, to wit: "That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state, or designated part of the state, the people whereof shall be in rebellion against the United States, shall be then, thenceforward, and for ever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons or any of them in any efforts they may make for their actual freedom; that the Executive will, on the first day of January aforesaid, by proclamation, designate the states, and parts of states, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any state, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at

* The tendency of the Government of the people of the United States toward liberal sentiments and the general welfare of man is shown by the legislation, considered as a whole, of Congress and of the States, but by no act more conspicuously than by the abolition of slavery in the United States. Slavery was abolished by the Thirteenth Amendment to the Constitution, but preliminary to the amendment was the Emancipation Proclamation, written and issued by President Lincoln.

elections wherein a majority of the qualified voters of such states shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state, and the people thereof, be not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war-measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the states and parts of states, wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit: Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre-Bonne, Lafourche, Ste. Marie, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anna, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are, for the present, left precisely as if this proclamation were not issued. And by virtue of the power, and for the purpose aforesaid, I do order and declare, that all persons held as slaves within said designated states and parts of states, are and henceforward shall be free; and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons. And I hereby enjoin upon

the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them, that in all cases, when allowed, they labor faithfully for reasonable wages. And I further declare and make known, that such persons, of suitable condition, will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service. And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In testimony whereof I have hereunto set my name, and caused the seal of the United States to be affixed. Done at the city of Washington this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

APPENDIX.

The States abolished property qualifications as follows

In New Hampshire	the tax	test	was	abolished	in 1792.
"	the property	"	"	"	1852.
Georgia	"	"	"	"	1798.
Maryland	"	"	"	"	1801.
Massachusetts	"	"	"	"	1821.
New York	"	"	"	"	1821.
"	the tax	"	"	"	1826.
Delaware	the property	"	"	"	1831.
New Jersey	"	"	"	"	1844.
Connecticut	"	"	"	"	1845.
South Carolina	"	"	"	"	1865.
North Carolina	"	"	"	"	1854.
Virginia	"	"	"	"	1850.
"	the tax test of 1864		"	"	1882.
Tennessee	the property test		"	"	1834.
Ohio	"	"	"	"	1851.
Louisiana	the tax		"	"	1845.
Mississippi	"	"	"	"	1832.
Rhode Island,	the prop.		"	"	1888.

States and Territories.	Representatives in Congress.	Population, Census 1900.	Area, Square Miles.
Alabama	9	1,828,697	52,250
Alaska Territory	...	63,441	577,390
Arizona Territory	*1	122,931	113,020
Arkansas	6	1,311,564	53,850
California	7	1,485,053	158,360
Colorado	2	539,700	103,925
Connecticut	4	908,355	4,990
Delaware	1	184,735	2,050
District of Columbia	...	278,718	70
Florida	2	528,542	58,680
Georgia	11	2,216,331	59,475
Hawaii Territory	*1	154,001	6,640
Idaho	1	161,772	84,800
Illinois	22	4,821,550	56.650
Indiana	13	2,516,462	36,350
Indian Territory	...	391,960	31,400
Iowa	11	2,231,853	56,025
Kansas	8	1,470,495	82,080
Kentucky	11	2,147,174	40,400
Louisiana	6	1,381,625	48,720
Maine	4	694,466	33,040
Maryland	6	1,190,050	12,210
Massachusetts	13	2,805,346	8,315
Michigan	12	2,420,982	58,915
Minnesota	7	1,751,394	83,365
Mississippi	7	1,551,270	46,810
Missouri	15	3,106,665	69,415
Montana	1	243,329	146,080
Nebraska	6	1,068,539	77,510
Nevada	1	42,335	110,700
New Hampshire	2	411,588	9,305
New Jersey	8	1,883,669	7,815
New Mexico Territory	*1	195,310	122,580
New York	34	7,268,012	49,170
North Carolina	9	1,893,810	52,250
North Dakota	1	319,146	70,795
Ohio	21	4,157,545	41,060
Oklahoma Territory	*1	398,245	39,030
Oregon	2	413,536	96,030
Pennsylvania	30	6,302,115	45,215
Rhode Island	2	428,556	1,250
South Carolina	7	1,340,316	30,570
South Dakota	2	401,570	77,650
Tennessee	10	2,020,616	42,050
Texas	13	3,048,710	265,780
Utah	1	276,749	84,970
Vermont	2	343,641	9,565
Virginia	10	1,854,184	42,450
Washington	2	518,103	69,180
West Virginia	4	958,800	24,780
Wisconsin	10	2,069,042	56,040
Wyoming	1	92,531	97,890

* Delegate.

New State Constitutions.

The States have framed constitutions as follows [the States are named in the order in which they came into the Union]:

1. Delaware, 1776, 1792, 1831.
2. Pennsylvania, 1776, 1790, 1838, 1873.
3. New Jersey, 1776, 1844.
4. Georgia, 1777, 1789, 1798, 1868, 1877.
5. Connecticut, Charter of 1662, Constitution of 1818.
6. Massachusetts, 1780.
7. Maryland, 1776, 1851, 1864, 1867.
8. South Carolina, 1776, 1778, 1790, 1868, 1895.
9. New Hampshire, 1776, 1784, 1792, 1876, 1889.
10. Virginia, 1776, 1830, 1850, 1870.
11. New York, 1777, 1821, 1846, 1894.
12. North Carolina, 1776, 1868, 1876.
13. Rhode Island, Charter of 1663, Constitution of 1842.
14. Vermont, admitted March 4, 1791,* Free.† Constitutions, 1777, 1786, 1793.
15. Kentucky, admitted June 1, 1792, Slave. Constitutions, 1792, 1799, 1850, 1890.
16. Tennessee, June 1, 1796, Slave. 1834, 1865, 1870.
17. Ohio, November 29, 1802, Free. 1851.
18. Louisiana, April 30, 1812, Slave. 1845, 1852, 1868, 1879.

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* The date of admission is the date of the first State constitution that was accepted by Congress.

† The political importance of slavery in American affairs may be seen from the admission of States as Slave or Free: that is, as permitting or as forbidding slavery in their constitutions.

From the governmental facts here outlined may be drawn some interesting conclusions:

1. That until 1850 the number of Free and of Slave States in the Union was equal, thus maintaining what was then known as "the balance of power in legislation."

2. That the Free States were north of 36° 30′, except Missouri.

3. That Western Slave States were directly west of Eastern Slave States.

4. That Kansas was the first State in which occurred a struggle between freedom and slavery for the control of the State Government.

5. That all former Slave States made new constitutions about 1865, in accordance with the results of the Civil War as expressed in the Thirteenth Amendment to the Constitution of the United States.

19. Indiana, December 11, 1816, Free. 1851.
20. Mississippi, December 10, 1817, Slave. 1832, 1868, 1890.
21. Illinois, December 3, 1818, Free. 1848, 1870.
22. Alabama, December 14, 1819, Slave. 1867, 1875.
23. Maine, March 15, 1820, Free.
24. Missouri, August 10, 1821, Slave. 1865, 1875.
25. Arkansas, June 15, 1836, Slave. 1868, 1874.
26. Michigan, January 26, 1837, Free. 1850.
27. Florida, March 3, 1845, Slave. 1865, 1868, 1886.
28. Texas, December 29, 1845, Slave. 1866, 1868, 1876.
29. Iowa, December 28, 1846, Free. 1857
30. Wisconsin, May 29, 1848. Free.
31. California, September 9, 1850, Free. 1879.
32. Minnesota, May 11, 1858. Free.
33. Oregon, February 14, 1859. Free.
34. Kansas, January 29, 1861. Free. (Slave constitution, 1855; Free constitution in 1857; Slave constitution in 1858; a Free constitution in 1859, on which the State was admitted.)
35. West Virginia, June 19, 1863, Free. 1872.
36. Nevada, October 31, 1864. Free.
37. Nebraska, March 1, 1867. 1875.
38. Colorado, August 1, 1876.
39. North Dakota, November 2, 1889.
40. South Dakota, November 2, 1889.
41. Montana, November 8, 1889.
42. Washington, November 11, 1889.
43. Idaho, July 3, 1890.
44. Wyoming, July 10, 1890.
45. Utah, January 4, 1896.

Table of the Presidents.

No.	President.	State.	Term of Office.	Vice-President.	Secretary of State.
1	George Washington	Virginia	Two terms; 1789–1797	John Adams	Thomas Jefferson. Edmund Randolph. Timothy Pickering.
2	John Adams	Massachusetts	One term; 1797–1801	Thomas Jefferson.	Timothy Pickering. John Marshall.
3	Thomas Jefferson	Virginia	Two terms; 1801–1809	Aaron Burr George Clinton	James Madison.
4	James Madison	Virginia	Two terms; 1809–1817	George Clinton Elbridge Gerry	Robert Smith. James Monroe.
5	James Monroe	Virginia	Two terms; 1817–1825	Dan'l D. Tompkins	John Quincy Adams.
6	John Quincy Adams	Massachusetts	One term; 1825–1829	John C. Calhoun	Henry Clay.
7	Andrew Jackson	Tennessee	Two terms; 1829–1837	John C. Calhoun Martin Van Buren.	Martin Van Buren. Edward Livingston. Louis McLane. John Forsyth.
8	Martin Van Buren	New York	One term; 1837–1841	Rich'd M. Johnson	John Forsyth.
9	William H. Harrison	Ohio	One month; 1841	John Tyler	Daniel Webster.
10	John Tyler	Virginia	3 yrs. and 11 mos.; 1841–1845.		Hugh S. Legare. Abel P. Upshur. John C. Calhoun.
11	James K. Polk	Tennessee	One term; 1845–1849	George M. Dallas	James Buchanan.

12	Zachary Taylor	Louisiana	1 yr. and 4 mos.; 1849–1850	Millard Fillmore	John M. Clayton.
13	Millard Fillmore	New York	2 yrs. and 8 mos.; 1850–1853		Daniel Webster. Edward Everett.
14	Franklin Pierce	New Hampshire.	One term; 1853–1857	William R. King	William L. Marcy.
15	James Buchanan	Pennsylvania	One term 1857–1861	J. C. Breckinridge.	Lewis Cass. Jeremiah S. Black.
16	Abraham Lincoln	Illinois	1 term and 1 mo.; 1861–65.	Hannibal Hamlin Andrew Johnson	William H. Seward.
17	Andrew Johnson	Tennessee	3 yrs. and 11 mos.; 1865–1869.		William H. Seward.
18	Ulysses S. Grant	Illinois	Two terms; 1869–1877	Schuyler Colfax Henry Wilson	Elihu B. Washburne. Hamilton Fish.
19	Rutherford B. Hayes	Ohio	One term; 1877–1881	Wm. A. Wheeler	Wm. M. Evarts.
20	James A. Garfield	Ohio	6 months and 15 days; 1881.	Chester A. Arthur	James G. Blaine.
21	Chester A. Arthur	New York	3 yrs. 5 mos. 15 das.; 1881–85.		F. T. Frelinghuysen.
22	Grover Cleveland	New York	One term; 1885–1889.	Thos. A. Hendricks	Thomas F. Bayard.
23	Benjamin Harrison	Indiana	One term; 1889–1893	Levi P. Morton	James G. Blaine. John W. Foster.
24	Grover Cleveland	New York	One term; 1893–1897	Adlai E. Stevenson	Walter Q. Gresham. Richard Olney
25	William McKinley	Ohio	One term and 6 mos. 14 days; 1897–1901	Garrett A. Hobart	John Sherman. William R. Day John Hay.
26	Theodore Roosevelt	New York	1901		John Hay.

THE AUSTRALIAN BALLOT SYSTEM.

MANY States, in order to secure ballot reform, have introduced the Australian ballot system. The reforms sought are to remove the causes and to overcome the effects of intimidation, bribery and repeating at the polls. The ballots are printed and distributed by the authority of the State and at the public expense. The room in which the election is held is divided into two parts by a railing. In one part of the room are located the election officers with the ballot-box; in the other part are arranged a number of closets called voting-booths or stalls. When an elector enters the room he gives his name and address to the officers; if his name is found on the assessor's list, he is admitted within the railing and handed an official ballot. The ballot contains the names of all the candidates of the different parties in separate columns; the elector retires to a voting-booth and in private prepares his ballot. If he desires to vote what is called "a straight ticket"—that is, to vote for every candidate of his political party—he marks a cross (X) within a circle which is printed above the column containing the names of all the candidates of his party. If he desires to vote for but a part of the ticket, he makes a cross (X) opposite the names of the candidates for whom he wishes to vote, or he may write in blank spaces left for the purpose the names of candidates of his own choice. He must fold his ballot so that no one can see how he has marked it, give it to the election officer having charge of the ballot-box, who numbers it and fastens down securely with adhesive paste the part marked with the number, so that it cannot be seen without cutting the ballot open, and deposits it in the ballot-box. The object of all this detail is to secure secrecy and to prevent fraud in conducting the election.

Some variations in the minor details of the system are to be found, but the general features are the same in all the States in which it has been adopted. The essential part of the system is that the entire machinery of election is put into the hands of the State, instead of being left, as heretofore, to the promiscuous methods of political parties.*

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* "The Australian system of voting would be an immense power in clipping the wings and suppressing the evils of political bossism. Upward of eighty-five million people conduct their elections in accordance with its provisions, so that it is neither an untested experiment nor a questionable expedient. Wherever a free and accurate expression of opinion is desired it finds a home, so that it cannot be justly claimed as the method of any one country or people.

"The cardinal features of the Australian system are compulsory secrecy of voting, uniform official ballots containing the names of all candidates printed under State or municipal authority, and official equality of nominations when made either by a party convention or by a paper signed by a given number of voters; under this system all qualified voters have equal facilities for voting and all candidates have equal facilities for receiving votes.

"The Australian system has produced effects far wider than the mere achievement of a single reform. It offers not only free and pure elections, but free nominations. It offers a method of nomination that is free to all, and it emancipates us from the rule of the political bosses. There is abundant testimony that it is the best, the most rapid and the most facile mode of obtaining the unbiassed wish of voters. It secures tranquillity, purity and freedom of choice. For all these reasons I heartily favor it."—Gov. Robt. E. Pattison.

QUESTIONS

DEVELOPING THE GOVERNMENT OF THE STATE, COUNTY, TOWNSHIP, TOWN OR PARISH, AND CITY.*

WHAT is a State?

What are the civil divisions of a State?

What is a constitution?

When was the constitution now in operation in this State adopted? How can the constitution of this State be amended? Has it ever been amended, and if so, for what purpose?

Does the constitution of this State contain a bill of rights?

What is an elector?

What are the qualifications of an elector in this State?

Is a State elector in this State required to be a citizen of the United States?

Are the local officers, State officers, and Federal officers elected on the same or on different days? Why?

Who is the highest executive officer of this State? When is he elected? For how long a term? What are his qualifications? His duties? His salary?

Has this State a lieutenant-governor? What are his qualifications? When is he elected? For how long a term? His duties? His salary?

What are the other executive and administrative officers of this State? How is each chosen? What are the duties of each?

What is the name of the legislative body that makes the laws of this State? How many branches has it? What are their names? What is the term of service in each? When does this body meet? Where? How often?

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*These questions are suggestive only, and are to be modified or extended at the discretion of the teacher, so as to develop the methods and harmonize the variations and peculiarities in the forms of local government. A copy of the State constitution should always be used in studying the government of a State.

How many State senatorial districts are there in this State?

In which State senatorial district do you reside?

Who is the State senator from this district? What are his qualifications? His term of service? His salary?

How many representative or assembly districts are there in this State? In which representative district do you reside?

Who is the State representative from this district? What are his qualifications? His term of service? His salary?

How many congressional districts are there in this State?

How many representatives has this State in Congress?

In which congressional district do you reside?

By what authority is the State divided into congressional districts?

Who represents this congressional district in Congress?

What are the qualifications of a representative? How is he chosen? For how long a term of service? What is his salary?

How many United States senators has each State?

By whom are they chosen? For how long a term of service? What are the qualifications of a United States senator? What is his salary?

What are the names of the different State courts in this State? Which is the highest State court in this State? What are the titles of its judges? How are they chosen? What is their term of office? Their salaries?

Is this State divided into State judicial districts?

In which State judicial district do you reside?

In which United States circuit court district is this State located?

Where does the United States circuit court for this State meet?

What justice of the United States Supreme Court presides in this circuit?

How many United States district courts are there in this State?

Who is the resident United States district judge?

When does the United States district court meet? Where?

How are the judges of the United States courts chosen? What is the salary of each?

What other officers besides the judges are connected with the United States courts? What are their duties? How are they chosen?

What are the names of the different county courts in this county?

In what courts are civil cases tried? Criminal cases?

In what courts are estates of deceased persons adjudicated?

What is the tenure of office of the county judges?

How are county judges chosen?

What is the salary of the judges in this county?

Where do the courts of this county meet?

Has this county a county attorney? How is he chosen? What is his term of service? What are his duties? His salary?

Who is the present county attorney?

Who is the sheriff of this county? How is he chosen? What is his term of service? His salary? What are his duties?

What are the other officers of this county? What are their duties?

What are the civil divisions of this county? What is the title of the judicial officer in this township, town or parish? Of the executive officers? Of the legislative officers? Of the administrative officers? What are the duties of each? Which of these officers are required to give a bond for the faithful performance of their duties? Explain the nature and operation of a bond.

What is a charter?

In what respects does a charter differ from a constitution?

What is the title of the chief executive officer of a city? How is he chosen? What are his duties? His term of office?

Name the other executive and administrative officers of a city. How are they chosen? What are their duties? Their terms of office?

What is the title of the chief legislative body of a city? Of how many branches is it composed? What is the title of each branch?

What are the principal duties of the legislative department of a city?

How are the members of the legislative department of a city chosen? Are they paid a salary for their services?

What judicial officers are there in a city other than the county judges of the county in which the city is located? What are the duties of these officers? How are they chosen? How are they paid for their services?

PROBLEMS IN CIVIL GOVERNMENT.

If the regular candidate of the political party to which you belong were a person inferior in ability, morally and intellectually, to the candidate of the opposing party, which candidate would you vote for, and for what reason?

A certain town wishes to construct waterworks, but it has no money for that purpose. In what two ways may it legally proceed to obtain the required funds? Which do you think would be the better?

At a certain local election there was reason to believe that more votes were cast than there were lawful electors in the district. By what process would the facts in the case be ascertained, and how would the case be settled beyond further dispute?

If an elector own land in several States, can he vote in them all? What facts determine his legal residence?

Can a member of Congress at the same time hold a State office, according to the Constitution of the United States? What is the reason for this? According to the Constitution of the State in which you live? Is the reason the same?

A politician described the civil service as "a system by which it is hard to get into an office and easy to get out of it;" he further said that he believed in a civil service "that makes it easy to get into an office, but hard to get a man out of the office." Do you think that he touched on any principle of popular government that could be made to work in practice? What principle?

Do you think that the government of the people of the United States would be a more perfect government if there was only one political party in the country? If not, for what reason?

In the assessment of real property the owner may complain that he is assessed too high; has he any means of getting the assessment changed? If he cannot get it changed, is he justified in refusing to pay his taxes? Why?

In the older States many State officers are appointed by the governor by and with the consent of the Senate; in the newer States nearly all State officers are elected by the people. How do you explain this remarkable difference in the civil government of the States? Which do you favor? Why?

In one of the States in the Union which requires by its Constitution that every person before he can vote must be able to read a section of the State Constitution, an illiterate man was taught to repeat a section from memory, and when his vote was challenged he (apparently) read the section, it having been pointed out to him by the person who had taught it to him. Was his vote illegal? Was he guilty of breaking the spirit of the law? Should he be punished?

Are all citizens of the United States electors? Is there a difference between the meanings of the words "electors," "inhabitants," "residents" and "citizens"? Which of these constitute "the sovereign people of the United States"?

What principles of our government are illustrated in the following: An election. The inauguration of the President. The levy of a tax. The impeachment of a State officer. A jury trial. The support of public schools by taxation. The improvement of rivers and harbors by and at the expense of the National Government. The privileges of a member of the State or of the National legislature. The existence of a United States Supreme Court.

QUESTIONS FOR DEBATE.

Should the President be elected by popular vote?

Which affords the more privileges for its citizens—a republic like the United States, or a monarchy like England?

Can a State repudiate its debts?

Is "rotation in office" conducive to the most desirable results in a government like our own?

Would the government of the people of the United States be more conducive to their welfare if State legislatures were abolished and all laws were made by Congress?

Should the National Banking System be abolished?

Would the "general welfare" of the United States be promoted by an amendment to the Constitution requiring every elector to be able to read and write?

Which have had the wider influence in this country—the opinions of Thomas Jefferson or those of Alexander Hamilton?

Would Congress be justified at any time in appropriating the surplus in the national treasury to the payment of the debts of the States?

Are American politics growing better?

Is the Government of the United States to-day essentially the same as it was when Washington was President?

Has the Government of the United States the constitutional right to become the owner of the railroad and telegraph lines of the country?

Would the general welfare of the people of the United States be promoted if the National Government should become the owner of the railroad and telegraph lines?

Does man's capability for enjoying life increase with the advance of civilization?

Would the union of the United States and Canada promote the welfare of the people of these two countries?

Does the government of the people of the United States possess the power of indefinite self-perpetuation?

Is the present form of government in the United States the best form possible at the present time?

Upon which does the welfare and the perpetuity of popular government in this country the more depend—upon national legislation or upon State legislation?

Would the Government of the United States be justified in buying Cuba, rather than have that island pass into the possession of any other power than Spain?

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